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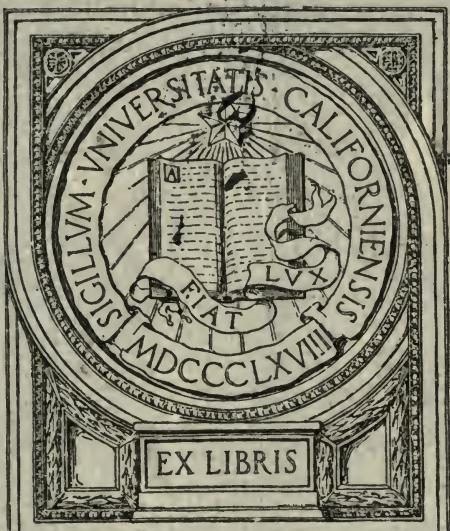
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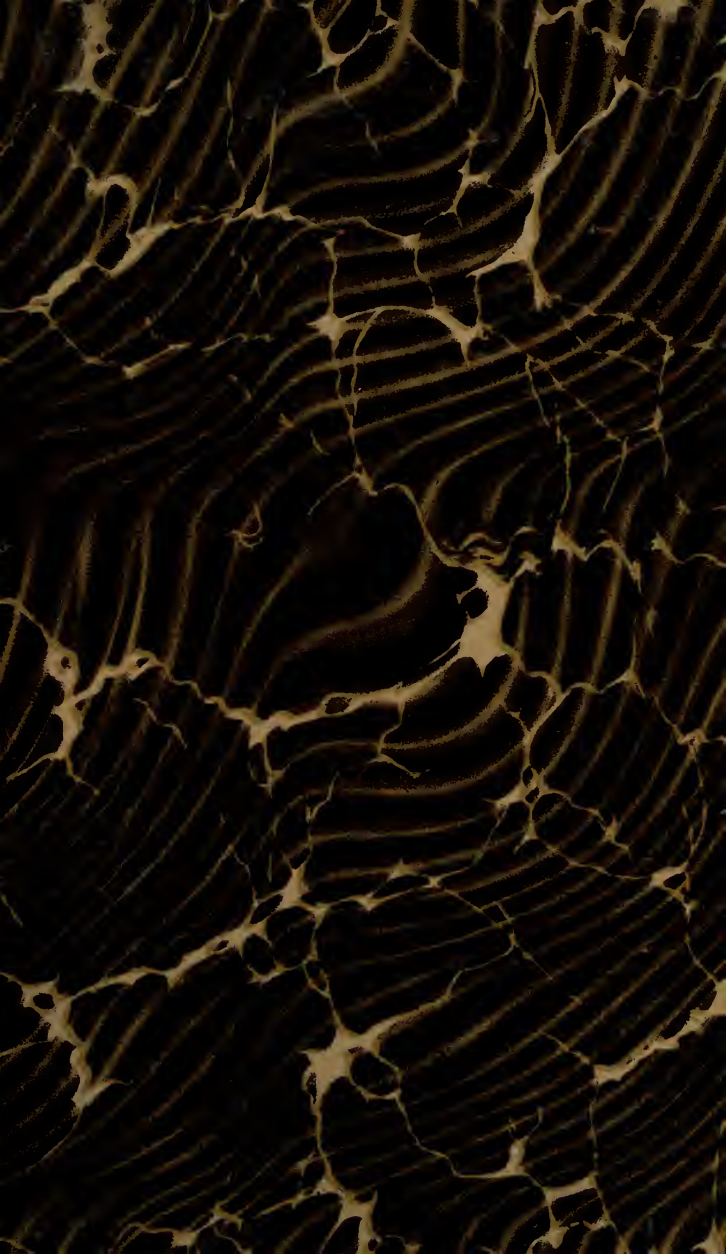

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THE TURN OF THE BALANCE

THE TURN OF THE BALANCE

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Gordon Marriott

THE TURN OF THE BALANCE

By

BRAND WHITLOCK

Author of The Happy Average
Her Infinite Variety
The 13th District

With Illustrations by
JAY HAMBIDGE

INDIANAPOLIS
THE BOBBS-MERRILL COMPANY
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March

TO THE MEMORY OF

SAMUEL M. JONES

Died July 12, 1904

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TO THE MEMORY OF

SAMUEL M. JONES

1846-1904

On the other hand, a boy was bound to defend them against anything that he thought slighting or insulting; and you did not have to verify the fact that anything had been said or done; you merely had to hear that it had. It once fell to my boy to avenge such a reported wrong from a boy who had not many friends in school, a timid creature whom the mere accusation frightened half out of his wits, and who wildly protested his innocence. He ran, and my boy followed with the other boys after him, till they overtook the culprit and brought him to bay against a high board fence; and there my boy struck him in his imploring face. He tried to feel like a righteous champion, but he felt like a brutal ruffian. He long had the sight of that terrified, weeping face, and with shame and sickness of heart he cowered before it. It was pretty nearly the last of his fighting; and though he came off victor, he felt that he would rather be beaten himself than do another such act of justice. In fact, it seems best to be very careful how we try to do justice in this world, and mostly to leave retribution of all kinds to God, who really knows about things; and content ourselves as much as possible with mercy, whose mistakes are not so irreparable.

From "A Boy's Town"
By William Dean Howells

THE TURN OF THE BALANCE

Book I

BOOK I

THE TURN OF THE BALANCE

I

As Elizabeth Ward stood that morning before the wide hearth in the dining-room, she was glad that she still could find, in this first snow of the season, the simple wonder and delight of that childhood she had left not so very far behind. Her last glimpse of the world the night before had been of trees lashed by a cold rain, of arc-lamps with globes of fog, of wet asphalt pavements reflecting the lights of Claybourne Avenue. But now, everywhere, there was snow, heaped in exquisite drifts about the trees, and clinging in soft masses to the rough bark of their trunks. The iron fence about the great yard was half buried in it, the houses along the avenue seemed far away and strange in the white transfiguration, and the roofs lost their familiar outlines against the low gray sky that hung over them.

"Hurry, Gusta!" said Elizabeth. "This is splendid! I must go right out!"

The maid who was laying the breakfast smiled. "It was a regular blizzard, Miss Elizabeth."

"Was it?" Elizabeth lifted her skirt a little, and rested the toe of her slipper on the low brass fender.

The wood was crackling cheerfully. "Has mama gone out?"

"Oh, yes, Miss Elizabeth, an hour ago."

"Of course," Elizabeth said, glancing at the little clock on the mantelpiece, ticking in its refined way. Its hands pointed to half-past ten. "I quite forgot the dinner." Her brow clouded. "What a bore!" she thought. Then she said aloud: "Didn't mama leave any word?"

"She said not to disturb you, Miss Elizabeth."

Gusta had served the breakfast, and now, surveying her work with an expression of pleasure, poured the coffee.

Beside Elizabeth's plate lay the mail and a morning newspaper. The newspaper had evidently been read at some earlier breakfast, and because it was rumpled Elizabeth pushed it aside. She read her letters while she ate her breakfast, and then, when she laid her napkin aside, she looked out of the windows again.

"I must go out for a long walk," she said, speaking as much to herself as to the maid, though not in the same eager tone she had found for her resolution a while before. "It must have snowed very hard. It wasn't snowing when I came home."

"It began at midnight, Miss Elizabeth," said Gusta, "and it snowed so hard I had an awful time getting here this morning. I could hardly find my way, it fell so thick and fast."

Elizabeth did not reply, and Gusta went on: "I stayed home last night—my brother just got back yesterday; I stayed to see him."

"Your brother?"

"Yes; Archie. He's been in the army. He got home yesterday from the Phil'pines."

"How interesting!" said Elizabeth indifferently.

"Yes, he's been there three years; his time was out and he came home. Oh, you should see him, Miss Elizabeth. He looks so fine!"

"Does he look as fine as you, Gusta?"

Elizabeth smiled affectionately, and Gusta's fair German skin flushed to her yellow hair.

"Now, Miss Elizabeth," she said in an embarrassment that could not hide her pleasure, "Archie's really handsome—he put on his soldier clothes and let us see him. He's a fine soldier, Miss Elizabeth. He was the best shooter in his regiment; he has a medal. He said it was a sharp-shooter's medal."

"Oh, indeed!" said Elizabeth, her already slight interest flagging. "Then he must be a fine shot."

Though Elizabeth in a flash of imagination had the scene in Gusta's home the night before—the brother displaying himself in his uniform, his old German father and mother glowing with pride, the children gathered around in awe and wonder—she was really thinking of the snow, and speculating as to what new pleasure it would bring, and with this she rose from the table and went into the drawing-room. There she stood in the deep window a moment, and looked out. The Maceys' man, clearing the walk over the way, had paused in his labor to lean with a discouraged air on his wooden shovel. A man was trudging by, his coat collar turned up, his shoulders hunched disconsolately, the snow clinging tenaciously to his feet as he plowed his way along. At the sight, Elizabeth shrugged her shoulders, gave a little sympathetic shiver, turned from her contemplation of the avenue that stretched away white and still, and went to the library. Here she

got down a book and curled herself up on a divan near the fireplace. Far away she heard the tinkle of some solitary sleigh-bell.

When the maid came into the adjoining room a few moments later, Elizabeth said: "Gusta, please hand me that box of candy."

Elizabeth arranged herself in still greater comfort, put a bit of the chocolate in her mouth, and opened her book. "Gusta, you're a comfort," she said. "Catch me going out on a day like this!"

Mrs. Ward came home at noon, and when she learned that Elizabeth had spent the morning in the library, she took on an air of such superiority as was justified only in one who had not allowed even a blizzard to interfere with the serious duties of life. She had learned several new signals at the whist club and, as she told Elizabeth with a reproach for her neglect of the game, she had mastered at last Elwood's new system. But Elizabeth, when she had had her luncheon, returned to the library and her book. She stayed there an hour, then suddenly startled her mother by flinging the volume to the floor in disgust and running from the room and up the stairs. She came down presently dressed for the street.

"Don't be out long, dear; remember the dinner," Mrs. Ward called after her.

As she turned in between the high banks of snow piled along either side of the walk, Elizabeth felt the fine quality of the air that sparkled with a cold vitality, as pure as the snow that seemed to exhale it. She tossed her head as if to rid it of all the disordered fancies she had gathered in the unreal world of the ro-

mance with which she had spent the day. Then for the first time she realized how gigantic the storm had been. Long processions of men armed with shovels, happy in the temporary prosperity this chance for work had brought, had cleared the sidewalks. On the avenue the snow had been beaten into a hard yellow track by the horses and sleighs that coursed so gaily over it. The cross-town trolley-cars glided along between the windrows of the snow the big plow had whirled from the tracks. Little children, in bright caps and leggings, were playing in the yards, testing new sleds, tumbling about in the white drifts, flinging snowballs at one another, their laughter and screams harmonizing with the bells. Claybourne Avenue was alive; the solitary bell that Elizabeth had heard jingling in the still air that morning had been joined by countless strings of other bells, until now the air vibrated with their musical clamor. Great Russian sledges with scarlet plumes shaking at their high-curved dashboards swept by, and the cutters sped along in their impromptu races, the happy faces of their occupants ruddy in their furs, the bells on the excited horses chiming in the keen air. At the corner of Twenty-fifth Street, a park policeman, sitting his magnificent bay horse, reviewed the swiftly passing parade. The pedestrians along the sidewalk shouted the racers on; as the cutters, side by side, rose and fell over the street-crossing a party of school-boys assailed them with a shower of snowballs.

Elizabeth knew many of the people in the passing sleighs; she knew all of those in the more imposing turnouts. She bowed to her acquaintances with a smile that came from the exhilaration of the sharp winter air, more than from any joy she had in the recognition.

But from one of the cutters Gordon Marriott waved his whip at her, and she returned his salute with a little shake of her big muff. Her gray eyes sparkled and her cheeks against her furs were pink. Every one was nervously exalted by the snow-storm that afternoon, and Elizabeth, full of health and youthful spirit, tingled with the joy the snow seemed to have brought to the world.

II

His house was all illumined; the light streaming from its windows glistened on the polished crust of the frozen snow, and as Stephen Ward drove up that evening, he sighed, remembering the dinner. He sprang out, slammed the door of his brougham and dashed indoors, the wheels of his retreating carriage giving out again their frosty falsetto. The breath of cold air Ward inhaled as he ran into the house was grateful to him, and he would have liked more of it; it would have refreshed and calmed him after his hard day on the Board.

As he entered the wide hall, Elizabeth was just descending the stairs. She came fresh from her toilet, clothed in a dinner gown of white, her round arms bare to the elbow, her young throat just revealed, her dark hair done low on her neck, and the smile that lighted her gray eyes pleased Ward.

As she went for her father's kiss Elizabeth noted the cool outdoor atmosphere, and the odor of cigar smoke and Russia leather that always hung about his person.

"You are refreshing!" she said. "The frost clings to you."

He smiled as she helped him with his overcoat, and then he backed up to the great fire, and stood there shrugging his shoulders and rubbing his hands in the warmth. His face was fresh and ruddy, his white hair

was rumpled, his stubbed mustache, which ordinarily gave an effect of saving his youth in his middle years, seemed to bristle aggressively, and his eyes still burned from the excitement of the day.

"What have you been doing all day?" Elizabeth asked, standing before him, her hands on his shoulders. "Battling hard for life in the wheat pit?" Her eyes sparkled with good humor.

Ward took Elizabeth's face between his palms as he said jubilantly:

"No, but I've been making old Macey battle for his life—and I've won."

His gray eyes flashed with the sense of victory, he drew himself erect, tilted back on his heels. He did not often speak of his business affairs at home, and when he did, no one understood him. During the weeks indeed, in which the soft moist weather and constant rains had prevented the rise in the wheat market on which he had so confidently gambled, he had resolutely and unselfishly kept his fear and his suspense to himself, and now even though at last he could indulge his exultation, he drew a long, deep breath.

"By Jove!" he exclaimed. "The snow came just in the nick of time for me!"

"Well, you march right up-stairs and get your clothes on," said Elizabeth as she took her father by the arm, gathering up the train of her white gown, heavy with its sequins and gracefully impeding her progress, and led him to the stairs. She smiled up into his face as she did so, and, as he turned the corner of the wide staircase, he bent and kissed her again.

Though the guests whom Mrs. Ward had asked to her dinner that night all came in closed carriages, bun-

dled in warm and elegant furs, and though they stepped from their own doors into their carriages and then alighted from them at the door of the Wards', they all, when they arrived, talked excitedly of the storm and adjured one another to confess that they had never known such cold. The women, who came down from the dressing-room in bare arms and bare shoulders, seemed to think less of the cold than the men, who were, doubtless, not so inured to exposure; but they were more excited over it and looked on the phenomenon in its romantic light, and began to celebrate the poetic aspects of the winter scene. But the men laughed at this.

"There isn't much poetry about it down town," said Dick Ward. "No poet would have called that snow beautiful if he'd seen it piled so high as to blockade the street-cars and interrupt business generally." He spoke with the young pride he was finding in himself as a business man, though it would have been hard to tell just what his business was.

"Oh, but Dick," said Miss Bonnell, her dark face lighting with a fine smile, "the poet wouldn't have thought of business!"

"No, I suppose not," admitted Dick with the contempt a business man should feel for a poet.

"He might have found a theme in the immense damage the storm has done—telegraph wires all down, trains all late, the whole country in the grip of the blizzard, and a cold wave sweeping down from Medicine Hat."

The slender young man who spoke was Gordon Marriott, and he made his observation in a way that was almost too serious to be conventional or even desirable

in a society where seriousness was not encouraged. He looked dreamily into the fire, as if he had merely spoken a thought aloud rather than addressed any one; but the company standing about the fireplace, trying to make the talk last for the few moments before dinner was announced, looked up suddenly, and seemed to be puzzled by the expression on his smooth-shaven delicate face.

"Oh, a theme for an epic!" exclaimed Mrs. Modderwell, the wife of the rector. Her pale face was glowing with unusual color, and her great dark eyes were lighting with enthusiasm. As she spoke, she glanced at her husband, and seemed to shrink in her black gown.

"But we have no poet to do it," said Elizabeth.

"Oh, I say," interrupted Modderwell, speaking in the upper key he employed in addressing women, and then, quickly changing to the deep, almost gruff tone which, with his affected English accent, he used when he spoke to men, "our friend Marriott here could do it; he's dreamer enough for it—eh, Marriott?" He gave his words the effect of a joke, and Marriott smiled at them, while the rest laughed in their readiness to laugh at anything.

"No," said Marriott, "I couldn't do it, though I wish I could. Walt Whitman might have done it; he could have begun with the cattle on the plains, freezing, with their tails to the wind, and catalogued everything on the way till he came to the stock quotations and—"

"The people sleighing on Claybourne Avenue," said Elizabeth, remembering her walk of the afternoon. "And he would have gone on tracing the more subtle

and sinister effects—perhaps suggesting something tragic."

"Well, now, really, when I was in Canada, you know—" began Modderwell. Though he had been born in Canada and had lived most of his life there, he always referred to the experience as if it had been a mere visit; he wished every one to consider him an Englishman. And nearly every one did, except Marriott, who looked at Modderwell in his most innocent manner and began:

"Oh, you Canadians—"

But just then dinner was announced, and though Elizabeth smiled at Marriott with sympathy, she was glad to have him interrupted in his philosophizing, or poetizing, or whatever it was, to take her out to the dining-room, where the great round table, with its mound of scarlet roses and tiny glasses of sherry glowing ruddy in the soft light of the shaded candelabra, awaited them. And there they passed through the long courses, at first talking lightly, but excitedly, of the snow, mentioning the pleasure and the new sensations it would afford them; then of their acquaintances; of a new burlesque that had run for a year in a New York theater; then of a new romance in which a great many people were killed and imprisoned, though not in a disagreeable manner, and, in short, talked of a great many unimportant things, but talked of them as if they were, in reality, of the utmost importance.

The butler had taken off the salad; they were waiting for the dessert. Suddenly from the direction of the kitchen came a piercing scream, evidently a woman's scream; all the swinging doors between the dining-room and the distant kitchen could not muffle it. Mrs.

Modderwell started nervously, then, at a look from her husband, composed herself and hung her head with embarrassment. The others at the table started, though not so visibly, and then tried to appear as if they had not done so. Mrs. Ward looked up in alarm, first at Ward, who hastily gulped some wine, and then at Elizabeth. Wonder and curiosity were in all the faces about the board—wonder and curiosity that no sophistication could conceal. They waited; the time grew long; Mrs. Ward, who always suffered through her dinners, suffered more than ever now. Her guests tried bravely to sit as if nothing were wrong, but at last their little attempts at conversation failed, and they sat in painful silence. The moments passed; Ward and his wife exchanged glances; Elizabeth looked at her mother sympathetically. At last the door swung and the butler entered; the guests could not help glancing at him. But in his face there was a blank and tutored passivity that was admirable, almost heroic.

When the women were in the drawing-room, Mrs. Ward excused herself for a moment and went to the kitchen. She returned presently, and Elizabeth voiced the question the others were too polite to ask.

"What on earth's the matter?"

"Matter!" exclaimed Mrs. Ward. "Gusta's going, that's all." She said it with the feeling such a calamity merited.

"When?"

"Now."

"But the scream—what was it?"

"Well, word came about her father; he's been hurt, or killed, or something, in the railroad yards."

"Oh, how dreadful!" the women politely chorused.

"Yes, I should think so," said Mrs. Ward. "To be left like this without a moment's warning! And then that awful *contretemps* at dinner!" Mrs. Ward looked all the anguish and shame she felt.

"But Gusta couldn't help that," said Elizabeth.

"No," said Mrs. Ward, lapsing from her mood of exaggeration, "I know that, of course. The poor girl is quite broken up. I hope it is nothing really serious. And yet," she went on, her mind turning again to her own domestic misfortunes, "people of her class seem to have the most unerring faculty for calamity. They're always getting hurt, or sick, or dying, or something. The servants in my house suffer more bereavement in the course of a month than all the rest of my acquaintance in a lifetime."

And then the ladies took up the servant-girl problem, and canvassed it hopelessly until the men were heard entering the library.

III

While Mrs. Ward was discussing her maid with her guests, Gusta was hurrying homeward alone, the prey of fears, omens and forebodings. There was the shock of this sudden news from home, and her horror of what awaited her there; besides she had a strange feeling about leaving the Wards in this way. The night had grown bitterly cold. The frozen snow crunched with a whining noise under her heels as she passed swiftly along. In the light of the arc-lamps that swung at the street crossings, the trees along the curb cast their long shadows before her, falling obliquely across the sidewalk and stretching off into the yard; as she passed on, they wheeled, lost themselves in gloom, then appeared again, stretching the other way. The shadows confused and frightened her. She thought of Elizabeth and all her kindness; when would she see Elizabeth again? With this horrible thing at home all had changed; her mother would need her now. She thought of the hard work, with the children crying about, and the ugly kitchen, with none of the things there were at the Wards' to make the work easy. She would have to lug the water in from the cistern; the pump would be frozen, and the water would splash on her hands and make them red and raw and sore; they could never be white and soft like Elizabeth's. She would have to shovel the snow, and make paths, and split kindlings, and carry wood and coal, and make fires.

And then the house would never be warm like the Wards'; they would eat in the kitchen and sit there all day long. The storm, which had made no change at all at the Wards', would make it all so much harder at home. Her father would be sick a long time; and, of course, he would lose his job; the house would be gloomy and sad; it would be worse than the winter he had been on strike.

The keen wind that was blowing from the northwest stung Gusta's face; she felt the tears in her eyes, and when they ran on to her cheeks they froze at once and made her miserable. She shuddered with the cold, her fingers were numb, her feet seemed to be bare on the snow, her ears were burning. The wind blew against her forehead and seemed as if it would cut the top of her head off as with a cold blade. She tried to pull her little jacket about her; the jacket was one Elizabeth had given her, and she had always been proud of it and thought that it made her look like Elizabeth, but it could not keep her warm now. She ran a few steps, partly to get warm, partly to make swifter progress homeward, partly for no reason at all. She thought of her comfortable room at the Wards' and the little colored pictures Elizabeth had given her to hang about the walls. An hour before she had expected to go to that room and rest there,—and now she was going home to sickness and sorrow and ugly work. She gave a little sob and tried to brush away her tears, but they were frozen to her eye-lashes, and it gave her a sharp pain above her eyes when she put her hand up to her face.

Gusta had now reached the poorer quarter of the town, which was not far from Claybourne Avenue,

though hidden from it. The houses were huddled closely together, and their little window-panes were frosty against the light that shone through the holes in their shades. There were many saloons, as many as three on a corner; the ice was frozen about their entrances, but she could see the light behind the screens. They seemed to be warm—the only places in that neighborhood that were warm. She passed one of them just as the latch clicked and the door opened, and three young men came out, laughing loud, rough, brutal laughs. Gusta shrank to the edge of the sidewalk; when she got into the black shadow of the low frame building, she ran, and as she ran she could hear the young men laughing loudly behind her. She plunged on into the shadows that lay so thick and black ahead.

But as she drew near her home, all of Gusta's other thoughts were swallowed up in the thought of her father. She forgot how cold she was; her fingers were numb, but they no longer ached; a kind of physical insensibility stole through her, but she was more than ever alive mentally to the anguish that was on her. She thought of her father, and she remembered a thousand little things about him,—all his ways, all his sayings, little incidents of her childhood; and the tears blinded her, because now he probably would never speak to her again, never open his eyes to look on her again. She pictured him lying on his bed, broken and maimed, probably covered with blood, gasping his few last breaths. She broke into a little run, the clumsy trot of a woman, her skirts beating heavily and with dull noises against her legs, her shoes crunching, crunching, on the frozen snow. At last she turned another corner, and entered a street that was even narrower and darker

than the others. Its surface, though hidden by the snow, was billowy where the ash piles lay; there was no light, but the snow seemed to give a gray effect to the darkness. This was Bolt Street, in which Gusta's family, the Koerners, lived.

The thin crackled shade was down at the front window, but the light shone behind it. Gusta pushed open the front door and rushed in. She took in the front room at a glance, seeking the evidence of change; but all was unchanged, familiar—the strips of rag carpet on the floor, the cheap oak furniture upholstered in green and red plush, the rough, coarse-grained surface of the wood varnished highly; the photograph of herself in the white dress and veil she had worn to her first communion, the picture of Archie sent from the Presidio, the colored prints of Bismarck and the battle of Sedan—all were there. The room was just as it had always been, clean, orderly, unused—save that some trinkets Archie had brought from Manila were on the center-table beside the lamp, which, with its round globe painted with brown flowers, gave the room its light.

Gusta had taken all this in with a little shock of surprise, and in the same instant the children, Katie and little Jakie, sprang forth to meet her. They stood now, clutching at her skirts; they held up their little red, chapped faces, all dirty and streaked with tears; their lips quivered, and they began to whimper. But Gusta, with her wild eyes staring above their little flaxen heads, pressed on in, and the children, hanging on to her and impeding her progress, began to cry peevishly.

Gusta saw her mother sitting in the kitchen. Two

women of the neighborhood sat near her, dull, silent, stupid, their chins on their huge breasts, as if in melancholia. Though the room was stiflingly warm with the heat from the kitchen stove, the women kept their shawls over their heads, like peasants. Mrs. Koerner sat in a rocking-chair in the middle of her clean white kitchen floor. As she lifted her dry eyes and saw Gusta, her brows contracted under her thin, carefully-parted hair, and she lifted her brawny arms, bare to the elbows, and rocked backward, her feet swinging heavily off the floor.

"Where's father?" Gusta demanded, starting toward her mother.

Mrs. Koerner's lips opened and she drew a long breath, then exhaled it in a heavy sigh.

"Where is he?" Gusta demanded again. She spoke so fiercely that the children suddenly became silent, their pale blue eyes wide. One of the neighbors looked up, unwrapped her bare arms from her gingham apron and began to poke the kitchen fire. Mrs. Koerner suddenly bent forward, her elbows on her knees, her chin in her hands, and began to cry, and to mumble in German. At this, the two neighbor women began to speak to each other in German. It always irritated Gusta to have her mother speak in German. She had learned the language in her infancy, but she grew ashamed of it when she was sent to the public schools, and never spoke it when she could help it. And now in her resentment of the whole tragic situation, she flew into a rage. Her mother threw her apron over her face, and rocked back and forth.

"Aw, quit, ma!" cried Gusta; "quit, now, can't you?"

Mrs. Koerner took her apron from her face and

looked at Gusta. Her expression was one of mute appealing pain. Gusta, softened, put her hand on her mother's head.

"Tell me, ma," she said softly, "where is he?"

Mrs. Koerner rocked again, back and forth, flinging up her arms and shaking her head from side to side. A fear seized Gusta.

"Where is he?" she demanded.

"He goes on der hospital," said one of the women. "He's bad hurt."

The word "hospital" seemed to have a profound and sinister meaning for Mrs. Koerner, and she began to wail aloud. Gusta feared to ask more. The children were still clinging to her. They hung to her skirts, tried to grasp her legs, almost toppling her over.

"Want our supper!" Jakie cried; "want our supper!"

"Gusta," said Katie, "did the pretty lady send me something good?"

Gusta still stood there; her cheeks were glowing red from their exposure to the wind that howled outside and rattled the loose sash in the window. But about her bluish lips the skin was white, her blue eyes were tired and frightened. She dropped a hand to each of the children, her knees trembled, and she gave little lurches from side to side as she stood there, with the children tugging at her, in their fear and hunger.

"Where's Archie?" she asked.

"He's gone for his beer," said one of the neighbors, the one who had not spoken. As she spoke she revealed her loose teeth, standing wide apart in her gums. "Maybe he goes on der hospital yet."

Every time they spoke the word "hospital," Mrs.

Koerner flung up her arms, and Gusta herself winced. But she saw that neither her mother nor these women who had come in to sit with her could tell her anything; to learn the details she would have to wait until Archie came. She had been drawing off her gloves as she stood there, and now she laid aside her hat and her jacket, and tied on one of her mother's aprons. Then silently she went to work, opened the stove door, shook the ashes down, threw in coal, and got out a skillet. The table spread with its red cloth stood against the window-sill, bearing cream pitcher and sugar bowl, and a cheap glass urn filled with metal spoons. She went to the pantry, brought out a crock of butter and put it on the table, then cut pieces of side-meat and put them in a skillet, where they began to swim about and sizzle in the sputtering grease. Then she set the coffee to boil, cut some bread, and, finding some cold potatoes left over from dinner, she set these on the table for the supper. It grew still, quiet, commonplace. Gusta bustled about, her mother sat there quietly, the neighbors looked on stolidly, the children snuffled now and then. The tragedy seemed remote and unreal.

Gusta took a pail and whisked out of the kitchen door; the wind rushed in, icy cold; she was back in a moment, her golden hair blowing. She poured some of the water into a pan, and called the children to her. They stood as stolidly as the women sat, their hands rigid by their sides, their chins elevated, gasping now and then as Gusta washed their dirty faces with the rag she had wrung out in the icy water. The odor of frying pork was now filling the room, and the children's red, burnished faces were gleaming with smiles, and their blue eyes danced as they stood looking at the hot

stove. When the pork was fried, Gusta, using her apron to protect her hand, seized the skillet from the stove, scraped the spluttering contents into a dish and set it on the table. Then the children climbed into chairs, side by side, clutching the edge of the table with their little fingers. Mrs. Koerner let Gusta draw up her rocking-chair, leaned over, resting her fat forearms on the table, holding her fork in her fist, and ate, using her elbow as a fulcrum.

When the meal was done, Mrs. Koerner began to rock again, the children stood about and watched Gusta pile the dishes on the table and cover them with the red cloth, and then, when she told them they must go to bed, they protested, crying that father had not come home yet. Their eyes were heavy and their flaxen heads were nodding, and Gusta dragged them into a room that opened off the kitchen, and out of the dark could be heard their small voices, protesting sleepily that they were not sleepy.

After a while a quick, regular step was heard outside, some one stamped the snow from his boots, the door opened, and Archie entered. His face was drawn and flaming from the cold, and there was shrinking in his broad military shoulders; a shiver ran through his well-set-up figure; he wore no overcoat; he keenly felt the exposure to weather he was so unused to. He flung aside his gray felt soldier's hat—the same he had worn in the Philippines—strode across the room, bent over the stove and warmed his red fingers.

"It's a long hike over to the hospital this cold night," he said, turning to Gusta and smiling. His white teeth showed in his smile, and the skin of his face was red and parched. He flung a chair before the stove, sat

down, hooked one heel on its rung, and taking some little slips of rice paper from his pocket, and a bag of tobacco, began rolling himself a cigarette. He rolled the cigarette swiftly and deftly, lighted it, and inhaled the smoke eagerly. Gusta, meanwhile, sat looking at him in a sort of suppressed impatience. Then, the smoke stealing from his mouth with each word he uttered, he said:

"Well, they've cut the old man's leg off."

Gusta and the neighbor women looked at Archie in silence. Mrs. Koerner seemed unable to grasp the full meaning of what he had said.

"*Was sagst du?*" she asked, leaning forward anxiously.

"*Sie haben sein Bein amputiert,*" replied Archie.

"*Sein Bein—was?*" inquired Mrs. Koerner.

"What the devil's 'cut off'?" asked Archie, turning to Gusta.

She thought a moment.

"Why," she said, "let's see. *Abgeschnitten,* I guess."

"Je's," said Archie impatiently, "I wish she'd cut out the Dutch!"

Then he turned toward his mother and speaking loudly, as if she were deaf, as one always speaks who tries to make himself understood in a strange tongue:

"*Sie haben sein Bein abgeschnitten—die Doctoren im Hospital.*"

Mrs. Koerner stared at her son, and Archie and Gusta and the two women sat and stared at her, then suddenly Mrs. Koerner's expression became set, meaningless and blank, her eyes slowly closed and her body slid off the chair to the floor. Archie sprang toward her and tried to lift her. She was heavy even for his

strong arms, and he straightened an instant, and shouted out commands:

"Open the door, you! Gusta, get some water!"

One of the women lumbered across the kitchen and flung wide the door, Gusta got a dipper of water and splashed it in her mother's face. The cold air rushing into the overheated kitchen and the cool water revived the prostrate woman; she opened her eyes and looked up, sick and appealing. Archie helped her to her chair and stood leaning over her. Gusta, too, bent above her, and the two women pressed close.

"Stand back!" shouted Archie peremptorily. "Give her some air, can't you?"

The two women slunk back—not without glances of reproach at Archie. He stood looking at his mother a moment, his hands resting on his hips. He was still smoking his cigarette, tilting back his head and squinting his eyes to escape the smoke. Gusta was fanning her mother.

"Do you feel better?" she asked solicitously.

"Ja," said Mrs. Koerner, but she began to shake her head.

"Oh, it's all right, ma," Archie assured her. "It's the best place for him. Why, they'll give him good care there. I was in the hospital a month already in Luzon."

The old woman was unconvinced and shook her head. Then Archie stepped close to her side.

"Poor old mother!" he said, and he touched her brow lightly, caressingly. She looked at him an instant, then turned her head against him and cried. The tears began to roll down Gusta's cheeks, and Archie squinted his eyes more and more.

"We'd better get her to bed," he said softly, and glanced at the two women with a look of dismissal. They still sat looking on at this effect of the disaster, not altogether curiously nor without sympathy, yet claiming all the sensation they could get out of the situation. When Archie and Gusta led Mrs. Koerner to her bed, the two women began talking rapidly to each other in German, criticizing Archie and the action of the authorities in taking Koerner to the hospital.

IV

Gusta cherished a hope of going back to the Wards', but as the days went by this hope declined. Mrs. Koerner was mentally prostrated and Gusta was needed now at home, and there she took up her duties, attending the children, getting the meals, caring for the house, filling her mother's place. After a few days she reluctantly decided to go back for her clothes. The weather had moderated, the snow still lay on the ground, but grimy, soft and disintegrating. The sky was gray and cold, the mean east wind was blowing in from the lake, and yet Gusta liked its cool touch on her face, and was glad to be out again after all those days she had been shut in the little home. It was good to feel herself among other people, to get back to normal life, and though Gusta did not analyze her sensations thus closely, or, for that matter, analyze them at all, she was all the more happy.

Before Nussbaum's saloon she saw the long beer wagon; its splendid Norman horses tossing their heads playfully, the stout driver in his leathern apron lugging in the kegs of beer. The sight pleased her; and when Nussbaum, in white shirt-sleeves and apron, stepped to the door for his breath of morning air, she smiled and nodded to him. His round ruddy face beamed pleasantly.

"Hello, Gustie," he called. "How are you this morning? How's your father?"

"Oh, he's better, thank you, Mr. Nussbaum," replied Gusta, and she hastened on. As she went, she heard the driver of the brewery wagon ask:

"Who's that?"

And Nussbaum replied:

"Reinhold Koerner's girl, what got hurt on the railroad the other day."

"She's a good-looker, hain't she?" said the driver.

And Gusta colored and felt proud and happier than before.

She was not long in reaching Claybourne Avenue, and it was good to see the big houses again, and the sleighs coursing by, and the carriages, and the drivers and footmen, some of whom she knew, sitting so stiffly in their liveries on the boxes. At sight of the familiar roof and chimneys of the Wards' house, her heart leaped; she felt now as if she were getting back home.

It was Gusta's notion that as soon as she had greeted her old friend Mollie, the cook, she would rush on into the dining-room; but no sooner was she in the kitchen than she felt a constraint, and sank down weakly on a chair. Molly was busy with luncheon; things were going on in the Ward household, going on just as well without her as with her, just as the car shops were going on without her father, the whistle blowing night and morning. It gave Gusta a little pang. This feeling was intensified when, a little later, a girl entered the kitchen, a thin girl, with black hair and blue eyes with long Irish lashes. She would have been called pretty by anybody but Gusta, and Gusta herself must have allowed her prettiness in any moment less sharp than this. The new maid inspected Gusta coldly, but none of the glances from her eyes could hurt Gusta half as much as

her presence there hurt her; and the hurt was so deep that she felt no personal resentment; she regarded the maid merely as a situation, an unconscious and irresponsible symbol of certain untoward events.

"Want to see Mrs. Ward?" the maid inquired.

"Yes, and Miss Elizabeth, too," said Gusta.

"Mrs. Ward's out and Miss Ward's busy just now."

Mollie, whose broad back was bent over her table, knew how the words hurt Gusta, and, without turning, she said:

"You go tell her Gusta's here, Nora; she'll want to see her."

"Oh, sure," said Nora, yielding to a superior. "I'll tell her."

Almost before Nora could return, Elizabeth stood in the swinging door, beaming her surprise and pleasure. And Gusta burst into tears.

"Why Gusta," exclaimed Elizabeth, "come right in here!"

She held the door, and Gusta, with a glance at Nora, went in. Seated by the window in the old familiar dining-room, with Elizabeth before her, Gusta glanced about, the pain came back, and the tears rolled down her cheeks.

"You mustn't cry, Gusta," said Elizabeth.

Gusta sat twisting her fingers together, in and out, while the tears fell. She could not speak for a moment, and then she looked up and tried to smile.

"You mustn't cry," Elizabeth repeated. "You aren't half so pretty when you cry."

Gusta's wet lashes were winking rapidly, and she took out her handkerchief and wiped her face and her eyes, and Elizabeth looked at her intently.

"Poor child!" she said presently. "What a time you've had!"

"Oh, Miss Elizabeth!" said Gusta, the tears starting afresh at this expression of sympathy, "we've had a dreadful time!"

"And we've missed you awfully," said Elizabeth. "When are you coming back to us?"

Gusta looked up gratefully. "I don't know, Miss Elizabeth; I wish I did. But you see my mother is sick ever since father—"

"And how is your father? We saw in the newspaper how badly he had been hurt."

"Was it in the paper?" said Gusta eagerly, leaning forward a little.

"Yes, didn't you see it? It was just a little item; it gave few of the details, and it must have misspelled—" But Elizabeth stopped.

"I didn't see it," said Gusta. "He was hurt dreadfully, Miss Elizabeth; they cut his leg off at the hospital."

"Oh, Gusta! And he's there still, of course?"

"Yes, and we don't know how long he'll have to stay. Maybe he'll have to go under another operation."

"Oh, I hope not!" said Elizabeth. "Tell me how he was hurt."

"Well, Miss Elizabeth, we don't just know—not just exactly. He had knocked off work and left the shops and was coming across the yards—he always comes home that way, you know—but it was dark, and the snow was all over everything, and the ice, and somehow he slipped and caught his foot in a frog, and just then a switch-engine came along and ran over his leg."

"Oh, horrible!" Elizabeth's brows contracted in pain.

"The ambulance took him right away to the hospital. Ma felt awful bad 'cause they wouldn't let him be fetched home. She didn't want him taken to the hospital."

"But that was the best place for him, Gusta; the very best place in the world."

"That's what Archie says," said Gusta, "but ma doesn't like it; she can't get used to it, and she says—" Gusta hesitated,—"she says we can't afford to keep him there."

"But the railroad will pay for that, won't it?"

"Oh, do you think it will, Miss Elizabeth? It had ought to, hadn't it? He's worked there thirty-seven years."

"Why, surely it will," said Elizabeth. "I wouldn't worry about that a minute if I were you. You must make the best of it. And is there anything I can do for you, Gusta?"

"No, thank you, Miss Elizabeth. I just came around to see you,"—she looked up with a fond smile,—"and to get my clothes. Then I must go. I want to go see father before I go back home. I guess I'll pack my things now, and then Archie'll come for my trunk this afternoon."

"Oh, I'll have Barker haul it over; he can just as well as not. And, Gusta,"—Elizabeth rose on the impulse—"I'll drive you to the hospital. I was just going out. You wait here till I get my things."

Gusta's face flushed with pleasure; she poured out her thanks, and then she waited while Elizabeth rang

for the carriage, and ran out to prepare for the street, just as she used to.

It was a fine thing for Gusta to ride with Elizabeth in her brougham. She had often imagined how it would be, sitting there in the exclusion of the brougham's upholstered interior, with the little clock, and the mirror and the bottle of salts before her, and the woven silk tube through which Elizabeth spoke to Barker when she wished to give him directions. The drive to the hospital was all too short for Gusta, even though Elizabeth prolonged it by another impulse which led her to drive out of their way to get some fruit and some flowers.

In the street before the hospital, and along the driveway that led to the suggestively wide side door, carriages were being slowly driven up and down, denoting that the social leaders who were patronesses of the hospital were now inside, patronizing the superintendent and the head nurse. Besides these there were the high, hooded phaëtons of the fashionable physicians. It was the busy hour at the hospital. The nurses had done their morning work, made their entries on their charts, and were now standing in little groups about the hall, waiting for their "cases" to come back from the operating-rooms. There was the odor of anesthetics in the air, and the atmosphere of the place, professional and institutional though it was, was surcharged with a heavy human suspense—the suspense that hung over the silent, heavily breathing, anesthetized human forms that were stretched on glass tables in the hot operating-rooms up-stairs, some of them doomed to die, others to live and prolong existence yet a while. The wide slow elevators were waiting at the

top floor; at the doors of the operating-rooms stood the white-padded rubber-tired carts, the orderlies sitting on them swinging their legs off the floor, and gossiping about the world outside, where life did not hover, but throbbed on, intent, preoccupied. In private rooms, in vacant rooms, in the office down-stairs, men and women, the relatives of those on the glass tables above, waited with white, haggard, frightened faces.

As Elizabeth and Gusta entered the hospital they shuddered, and drew close to each other like sisters. Koerner was in the marine ward, and Gusta dreaded the place. On her previous visits there, the nurses had been sharp and severe with her, but this morning, when the nurses saw Elizabeth bearing her basket of fruit and her flowers—which she would not let Gusta carry, feeling that would rob her offering of the personal quality she wished it to assume—they ran forward, their starched, striped blue skirts rustling, and greeted her with smiles.

"Why, Miss Ward!" they cried.

"Good morning," said Elizabeth, "we've come to see Mr. Koerner."

"Oh, yes," said Koerner's nurse, a tall, spare young woman with a large nose, eye-glasses, and a flat chest. "He's so much better this morning." She said this with a patronizing glance aside at Gusta, who tried to smile; the nurse had not spoken so pleasantly to her before.

The nurse led the girls into the ward, and they passed down between the rows of white cots. Some of the cots were empty, their white sheets folded severely back, awaiting the return of their occupants from the rooms up-stairs. In the others men sprawled, with

pallid, haggard faces, and watched the young women as they passed along, following them with large, brilliant, sick eyes. But Elizabeth and Gusta did not look at them; they kept their eyes before them. One bed had a white screen about it; candles glowed through the screen, silhouetting the bending forms of a priest, a doctor and a nurse.

Koerner was at the end of the ward. His great, gaunt, heavy figure was supine on the bed; the bandaged stump of his leg made a heavy bulk under the counterpane; his broad shoulders mashed down the pillow; his enormous hands, still showing in their cracks and crevices and around the cuticle of his broken nails the grime that all the antiseptic scrubbings of a hospital could not remove, lay outside the coverlid, idle for the first time in half a century. His white hair was combed, its ragged edges showing more obviously, and his gaunt cheeks were covered by a stubble of frosty beard. His blue eyes were unnaturally bright.

Elizabeth fell back a little that Gusta might greet him first, and the strong, lusty, healthy girl bent over her father and laid one hand on his.

"Well, pa, how're you feeling to-day?"

"Hullo, Gustie," said the old man, "you gom' again, huh? Vell, der oldt man's pretty bad, I tel' you."

"Why, the nurse said you were better."

"Why, yes," said the nurse, stepping forward with a professional smile, "he's lots better this morning; he just won't admit it, that's all. But we know him here, we do!"

She said this playfully, with a lateral addition to her smile, and she bent over and passed her hand under

the bed-clothes and touched his bandages here and there. Elizabeth and Gusta stood looking on.

"Isn't the pain any better?" asked the nurse, still smilingly, coaxingly.

"Naw," growled the old German, stubbornly refusing to smile. "I toldt you it was no besser, don't I?"

The nurse drew out her hand. The smile left her face and she stood looking down on him with a helpless expression that spread to the faces of Elizabeth and Gusta. Koerner turned his head uneasily on the pillow and groaned.

"What is it, pa?" asked Gusta.

"Der rheumatiz'."

"Where?"

"In my leg. In der same oldt blace. *Ach!*"

An expression of puzzled pain came to Gusta's face.

"Why," she said half-fearfully, "how can it—now?" She looked at the nurse. The nurse smiled again, this time with an air of superior knowledge.

"They often have those sensations," she said, laughing. "It's quite natural." Then she bent over Koerner and said cheerily: "I'm going now, and leave you with your daughter and Miss Ward."

"Yes, pa," said Gusta, "Miss Elizabeth's here to see you."

She put into her tone all the appreciation of the honor she wished her father to feel. Elizabeth came forward, her gloved hands folded before her, and stood carefully away from the bed so that even her skirts should not touch it.

"How do you do, Mr. Koerner?" she said in her soft

voice—so different from the voices of the nurse and Gusta.

Koerner turned and looked at her an instant, his mouth open, his tongue playing over his discolored teeth.

"Hullo," he said, "you gom' to see der oldt man, huh?"

Elizabeth smiled.

"Yes, I came to see how you were, and to know if there is anything I could do for you."

"*Ach,*" he said, "I'm all right. Dot leg he hurts yust der same efery day. Kesterday der's somet'ing between der toes; dis time he's got der damned oldt rheumatiz', yust der same he used to ven he's on dere all right."

The old man then entered into a long description of his symptoms, and Elizabeth tried hard to smile and to sympathize. She succeeded in turning him from his subject presently, and then she said:

"Is there anything you want, Mr. Koerner? I'd be so glad to get you anything, you know."

"Vell, I like a schmoke alreadty, but she won't let me. You know my oldt pipe, Gusta? Vell, I lose him by der accident dot night. He's on der railroadt, I bet you."

"Oh, we'll get you another pipe, Mr. Koerner," said Elizabeth, laughing. "Isn't there anything else?"

"Naw," he said, "der railroadt gets me eferyt'ing. I work on dot roadt t'irty-seven year now a'readty. Dot man, dot—vat you call him?—dot glaim agent, he kum here kesterday, undt he say he get me eferyt'ing. He's a fine man, dot glaim agent. He laugh undt choke

mit me; he saidt der roadt gif me chob flaggin' der grossing. All I yust do is to sign der baper—"

"Oh, Mr. Koerner," cried Elizabeth in alarm, and Gusta, at her expression, started forward, and Koerner himself became all attention, "you did not sign any paper, did you?"

The old man looked at her an instant, and then a soft shadowy smile touched his lips.

"Don't you vorry," he said; "der oldt man only got von leg, but he don't sign no damned oldt baper." He shook his head on the pillow sagely, and then added: "You bet!"

"That's splendid!" said Elizabeth. "You're very wise, Mr. Koerner." She paused and thought a moment, her brows knit. Then her expression cleared and she said:

"You must let me send a lawyer."

"Oh, der been blenty of lawyers," said Koerner.

"Yes," laughed Elizabeth, "there are plenty of lawyers, to be sure, but I mean—"

"Der been more as a dozen here alreadty," he went on, "but dey don't let 'em see me."

"I don't think a lawyer who would come to see you would be the kind you want, Mr. Koerner."

"Dot's all right. Der been blenty of time for der lawyers."

"Oh, pa," Gusta put in, "you must take Miss Elizabeth's advice. She knows best. She'll send you a good lawyer."

"Vell, ve see about dot," said Koerner.

"I presume, Mr. Koerner," said Elizabeth, "they wouldn't let a lawyer see you, but I'll bring one with

me the next time I come—a very good one, one that I know well, and he'll advise you what to do; shall I?"

"Vell, ve see," said Koerner.

"Now, pa, you must let Miss Elizabeth bring a lawyer," and then she whispered to Elizabeth: "You bring one anyway, Miss Elizabeth. Don't mind what he says. He's always that way."

Elizabeth brought out her flowers and fruit then, and Koerner glanced at them without a word, or without a look of gratitude, and when she had arranged the flowers on his little table, she bade him good-by and took Gusta with her and went.

As they passed out, the white rubber-tired carts were being wheeled down the halls, the patients they bore still breathing profoundly under the anesthetics, from which it was hoped they would awaken in their clean, smooth beds. The young women hurried out, and Elizabeth drank in the cool wintry air eagerly.

"Oh, Gusta!" she said, "this air is delicious after that air in there! I shall have the taste of it for days."

"Miss Elizabeth, that place is sickening!"—and Elizabeth laughed at the solemn deliberation with which Gusta lengthened out the word.

Elizabeth

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V

"Come in, old man." Marriott glanced up at Dick Ward, who stood smiling in the doorway of his private office.

"Don't let me interrupt you, my boy," said Dick as he entered.

"Just a minute," said Marriott, "and then I'm with you." Dick dropped into the big leather chair, unbuttoned his tan overcoat, arranged its skirts, drew off his gloves, and took a silver cigarette-case from his pocket. Marriott, swinging about in his chair, asked his stenographer to repeat the last line, picked up the thread, went on:

"And these answering defendants further say that heretofore, to wit, on or about—"

Dick, leaning back in his chair, inhaling the smoke of his cigarette, looked at the girl who sat beside Marriott's desk, one leg crossed over the other, the tip of her patent-leather boot showing beneath her skirt, on her knee the pad on which she wrote in shorthand. The girl's eyelashes trembled presently and a flush showed in her cheeks, spreading to her white throat and neck. Dick did not take his eyes from her. When Marriott finished, the girl left the room hurriedly.

"Well, what's the news?" asked Marriott.

"Devilish fine-looking girl you've got there, old

man!" said Dick, whose eyes had followed the stenographer.

"She's a good girl," said Marriott simply.

Dick glanced again at the girl. Through the open door he could see her seating herself at her machine. Then he recalled himself and turned to Marriott.

"Say, Bess was trying to get you by 'phone this morning."

"Is that so?" said Marriott in a disappointed tone. "I was in court all morning."

"Well, she said she'd give it up. She said that old man Koerner had left the hospital and gone home. He sent word to her that he wanted to see you."

"Oh, yes," said Marriott, "about that case of his. I must attend to that, but I've been so busy." He glanced at his disordered desk, with its hopeless litter of papers. "Let's see," he went on meditatively, "I guess"—he thought a moment, "I guess I might as well go out there this afternoon as any time. How far is it?"

"Oh, it's 'way out on Bolt Street."

"What car do I take?"

"Colorado Avenue, I think. I'll go 'long, if you want me."

"I'll be delighted," said Marriott. He thought a moment longer, then closed his desk, and said, "We'll go now."

When they got off the elevator twelve floors below, Dick said:

"I've got to have a drink before I start. Will you join me?"

"I just had luncheon a while ago," said Marriott; "I don't really—"

"I never got to bed till morning," said Dick. "I sat in a little game at the club last night, and I'm all in."

Marriott, amused by the youth's pride in his dissipation, went with him to the café in the basement. Standing before the polished bar, with one foot on the brass rail, Dick said to the white-jacketed bartender:

"I want a high-ball; you know my brand, George. What's yours, Gordon?"

"Oh, I'll take the same." Marriott watched Dick pour a generous libation over the ice in the glass.

"Don't forget the imported soda," added Dick with an air of the utmost seriousness and importance, and the bartender, swiftly pulling the corks, said:

"I wouldn't forget you, Mr. Ward."

The car for which they waited in the drifting crowd at the corner was half an hour in getting them out to the neighborhood in which the Koerners lived. They stood on the rear platform all the way, because, as Dick said, he had to smoke, and as he consumed his cigarettes, he discoursed to Marriott of the things that filled his life—his card games and his drinking at the club, his constant attendance at theaters and cafés. His cheeks were fresh and rosy as a girl's, and smooth from the razor they did not need. Marriott, as he looked at him, saw a resemblance to Elizabeth, and this gave the boy an additional charm for him. He studied this resemblance, but he could not analyze it. Dick had neither his sister's features nor her complexion; and yet the resemblance was there, flitting, remote, revealing itself one instant to disappear the next, evading and eluding him. He could not

account for it, yet its effect was to make his heart warm toward the boy, to make him love him.

Marriott let Dick go on in his talk, but he scarcely heard what the boy said; it was the spirit that held him and charmed him, the spirit of youth launching with sublime courage into life, not yet aware of its significance or its purpose. He thought of the danger the boy was in and longed to help him. How was he to do this? Should he admonish him? No,—instantly he recognized the fact that he could not do this; he shrank from preaching; he could take no priggish or pharisaical attitude; he had too much culture, too much imagination for that; besides, he reflected with a shade of guilt, he had just now encouraged Dick by drinking with him. He flung away his cigarette as if it symbolized the problem, and sighed when he thought that Dick, after all, would have to make his way alone and fight his own battles, that the soul can emerge into real life only through the pains and dangers that accompany all birth.

Marriott's knock at the Koerners' door produced the sensation visits make where they are infrequent, but he and Dick had to wait before the vague noises died away and the door opened to them. Mrs. Koerner led them through the parlor—which no occasion seemed ever to merit—to the kitchen at the other end of the house. The odor of carbolic acid which the two men had detected the moment they entered, grew stronger as they approached the kitchen, and there they beheld Koerner, the stump of his leg bundled in surgical bandages, resting on a pillow in a chair before him. His position constrained him not to move, and he made no attempt to turn his head; but when the young men

stood before him, he raised to them a bronzed and wrinkled face. His white hair was rumpled, and he wore a cross and dissatisfied expression; he held by its bowl the new meerschaum pipe Elizabeth had sent him, and waved its long stem at Marriott and Dick, as he waved it scepter-like in ruling his household.

"My name is Marriott, Mr. Koerner, and this is Mr. Ward, Miss Elizabeth's brother. She said you wished to see me."

"You gom', huh?" said Koerner, fixing Marriott with his little blue eyes.

"Yes, I'm here at last," said Marriott. "Did you think I was never going to get here?" He drew up a chair and sat down. Dick took another chair, but leaned back and glanced about the room, as if to testify to his capacity of mere spectator. Mrs. Koerner stood beside her husband and folded her arms. The two children, hidden in their mother's skirts, cautiously emerged, a bit at a time, as it were, until they stood staring with wide, curious blue eyes at Marriott.

"You bin a lawyer, yet, huh?" asked Koerner severely.

"Yes, I'm a lawyer. Miss Ward said you wished to see a lawyer."

"I've blenty lawyers alreadty," said Koerner. "Der bin more as a dozen hier." He waved his pipe at the clock-shelf, where a little stack of professional cards told how many lawyers had solicited Koerner as a client. Marriott could have told the names of the lawyers without looking at their cards.

"Have you retained any of them?" asked Marriott.

"Huh?" asked Koerner, scowling.

"Did you hire any of them?"

"No, I tell 'em all to go to hell."

"That's where most of them are going," said Marriott.

But Koerner did not see the joke.

"How's your injury?" asked Marriott.

Koerner winced perceptibly at Marriott's mere glance at his amputated leg, and stretched the pipe-stem over it as if in protection.

"He's hurt like hell," he said.

"Why, hasn't the pain left yet?" asked Marriott in surprise.

"No, I got der rheumatiz' in dot foot," he pointed with his pipe-stem at the vacancy where the foot used to be.

"*That* foot!" exclaimed Marriott.

"Bess told us of that," Dick put in. "It gave her the willies."

"Well, I should think so," said Marriott.

Koerner looked from one to the other of the two young men.

"That's funny, Mr. Koerner," said Marriott, "that foot's cut off."

"I wish der tamn doctors cut off der rheumatiz' der same time! Dey cut off der foot all right, but dey leave der rheumatiz'." He turned the long stem of his pipe to his lips and puffed at it, and looked at the leg as if he were taking up a problem he was working on daily.

"Well, now, Mr. Koerner," said Marriott presently, "tell me how it happened and I'll see if I can help you."

Koerner, just on the point of placing his pipe-stem

between his long, loose, yellow teeth, stopped and looked intently at Marriott. Marriott saw at once from his expression that he had once more to contend with the suspicion the poor always feel when dealing with a lawyer.

"So you been Mr. Marriott, huh?" asked Koerner.

"Yes, I'm Marriott."

"Der lawyer?"

"Yes, the lawyer."

"You der one vot Miss Ward sent alreadty, aind't it?"

"Yes, I'm the one." Marriott smiled, and then, thinking suddenly of an incontrovertible argument, he waved his hand at Dick. "This is her brother. She sent him to bring me here."

The old man looked at Dick, and then turned to Marriott again.

"How much you goin' charge me, huh?" His little hard blue eyes were almost closed.

"Oh, if I don't get any damages for you, I won't charge you anything."

The old man made him repeat this several times, and when at last he understood, he seemed relieved and pleased. And then he wished to know what the fee would be in the event of success.

"Oh," said Marriott, "how would one-fifth do?"

Koerner, when he grasped the idea of the percentage, was satisfied; the other lawyers who had come to see him had all demanded a contingent fee of one-third or one-half. When the long bargaining was done and explained to Mrs. Koerner, who sat watchfully by trying to follow the conversation, and when Marriott had said that he would draw up a contract for them to

sign and bring it when he came again, the old man was ready to go on with his story. But before he did so he paused with his immeasurable German patience to fill his pipe, and, when he had lighted it, he began.

"Vell, Mr. Marriott, ven I gom' on dis gountry, I go to vork for dot railroadt; I vork dere ever since—dot's t'irty-seven year now alreadty." He paused and puffed, and slowly winked his eyes as he contemplated those thirty-seven years of toil. "I vork at first for t'irty tollar a month, den von day Mister Greene, dot's der suberintendent in dose tays, he call me in, undt he say, 'Koerner, you can read?' I say I read English some, undt he say, 'Vell, read dot,' undt he handt me a telegram. Vell I read him—it say dot Greene can raise der vages of his vatchman to forty tollar a month. Vell, I handt him der telegram back undt I say, 'I could read two t'ree more like dot, Mister Greene.' He laugh den undt he say, 'Vell, you read dot von twicet.' Vell, I got forty tollar a month den; undt in ten year dey raise me oncet again to forty-five. That's purty goodt, I t'ink." The old man paused in this retrospect of good fortune. "Vell," he went on, "I vork along, undt dey buildt der new shops, undt I vork like a dog getting dose t'ings moved, but after dey get all moved, he calls me in von tay, undt he say my vages vould be reduced to forty tollar a month. Vell, I gan't help dot—I haind't got no other chob. Den, vell, I vork along all right, but der town get bigger, an' der roadt got bigger, an' dere's so many men dere at night dey don't need me much longer. Undt Mr. Greene—he's lost his chob, too, undt Mr. Churchill—he's der new suberintendent—he's cut ever'-t'ing down, undt after he gom' eferbody vork longer

undt get hell besides. He cut me down to vere I vas at der first blace—t'irty tollar a month. So!"

The old man turned out his palms, and his face wrinkled into a strange grimace that expressed his enforced submission to this fate. And he smoked on until Marriott roused him.

"Vell," he said, "dot night it snows, undt I start home again at five o'clock. It's dark undt the snow fly so I gan't hardly see der svitch lights. But I gom' across der tracks yust like I always do goming home—dot's the shortest way I gom', you know—undt I ben purty tired, undt my tamned old rheumatiz' he's raisin' hell for t'ree days because dot storm's comin'—vell, I gom' along beside dere segond track over dere, undt I see an engine, but he's goin' on dot main track, so I gets over—vell, de snow's fallin' undt I gan't see very well, undt somehow dot svitch-engine gom' over on der segond track, undt I chump to get away, but my foot he's caught in der frog—vell, I gan't move, but I bent vay over to one side—so"—the old man strained himself over the arm of his chair to illustrate—"undt der svitch-engine yust cut off my foot nice undt glean. Vell, dot's all der was aboudt it."

Marriott gave a little shudder; in a flash he had a vision of Koerner there in the wide switch-yard with its bewildering red and green lights, the snow filling the air, the gloom of the winter twilight, his foot fast in the frog, bending far over to save his body, awaiting the switch-engine as it came stealing swiftly down on him.

"Did the engine whistle or ring its bell?"

"No," said the old man.

"And the frog—that was unblocked?"

Koerner leaned toward Marriott with a cunning smile.

"Dot's vere I got 'em, aind't it? Dot frog he's not blocked dere dot time; der law say dey block dose frog all der time, huh?"

"Yes, the frog must be blocked. But how did your foot get caught in the frog?"

"Vell, I shlipped, dot's it. I gan't see dot frog. You ask Charlie Drake; he's dere—he seen it."

"What does he do?" asked Marriott as he scribbled the name on an old envelope.

"He's a svitchman in der yard; he tol' you all aboudt it; he seen it—he knows. He say to me, 'Reinhold, you get damage all right; dot frog haind't blocked dot time.'"

Just then the kitchen door opened and Gusta came in. When she saw Marriott and Ward, she stopped and leaned against the door; her face, ruddy from the cool air, suddenly turned a deeper red.

"Oh, Mr. Dick!" she said, and then she looked at Marriott, whom she had seen and served so often at the Wards'.

"How do you do, Gusta?" said Marriott, getting up and taking her hand. She flushed deeper than ever as she came forward, and her blue eyes sparkled with pleasure. Dick, too, rose and took her hand.

"Hello, Gusta," he said, "how are you?"

"Oh, pretty well, Mr. Dick," she answered. She stood a moment, and then quietly began to unbutton her jacket and to draw the pins from her hat. Marriott, who had seen her so often at the Wards', concluded as she stood there before him that he had never realized how beautiful she was. She removed her

wraps, then drew up a chair by her father and sat down, lifting her hands and smoothing the coils of her golden hair, touching them gently.

"You've come to talk over pa's case, haven't you, Mr. Marriott?"

"Yes," said Marriott.

"I'm glad of that," the girl said. "He has a good case, hasn't he?"

"I think so," said Marriott, and then he hastened to add the qualification that is always necessary in so unexact and whimsical a science as the law, "that is, it seems so now; I'll have to study it somewhat before I can give you a definite opinion."

"I think he ought to have big damages," said Gusta. "Why, just think! He's worked for that railroad all his life, and now to lose his foot!"

She looked at her father, her affection and sympathy showing in her expression. Marriott glanced at Dick, whose eyes were fixed on the girl. His lips were slightly parted; he gazed at her boldly, his eyes following every curve of her figure. Her yellow hair was bright in the light, and the flush of her cheeks spread to her white neck. And Marriott, in the one moment he glanced at Dick, saw in his face another expression—an expression that displeased him; and as he recalled the resemblance to Elizabeth he thought he had noted, he impatiently put it away, and became angry with himself for ever imagining such a resemblance; he felt as if he had somehow done Elizabeth a wrong. All the while they were there Dick kept his bold gaze on Gusta, and presently Gusta seemed to feel it; the flush of her face and neck deepened, she grew ill at ease, and presently she rose and left the room.

When they were in the street Marriott said to Dick:

"I don't know about that poor old fellow's case—I'm afraid—"

"Gad!" said Dick. "Isn't Gusta a corker! I never saw a prettier girl."

"And you never noticed it before?" said Marriott.

"Why, I always knew she was good-looking, yes," said Dick; "but I never paid much attention to her when she worked for us. I suppose it was because she was a servant, don't you know? A man never notices the servants, someway."

VI

Ward had not been in the court-house for years, and, as he entered the building that morning, he hoped he might never be called there again if his mission were to be as sad as the one on which he then was bent. Eades had asked him to be there at ten o'clock; it was now within a quarter of the hour. With a layman's difficulty he found the criminal court, and as he glanced about the high-ceiled room, and saw that the boy had not yet been brought in, he felt the relief that comes from the postponement of an ordeal. With an effect of effacing himself, he shrank into one of the seats behind the bar, and as he waited his mind ran back over the events of the past four weeks. He calculated—yes, the flurry in the market had occurred on the day of the big snow-storm; and now, so soon, it had come to this! Ward marveled; he had always heard that the courts were slow, but this—this was quick work indeed! The court-room was almost empty. The judge's chair, cushioned in leather, was standing empty behind the high oaken desk. The two trial tables, across which day after day lawyers bandied the fate of human beings, were set with geometric exactness side by side, as if the janitors had fixed them with an eye to the impartiality of the law, resolved to give the next comers an even start. A clerk was writing in a big journal; the bailiff had taken a chair in the

fading light of one of the tall southern windows, and in the leisure he could so well afford in a life that was all leisure, was reading a newspaper. His spectacles failed to lend any glisten of interest to his eyes; he read impersonally, almost officially; all interest seemed to have died out of his life, and he could be stirred to physical, though never to mental activity, only by the judge himself, to whom he owed his sinecure. The life had long ago died out of this man, and he had a mild, passive interest in but one or two things, like the Civil War, and the judge's thirst, which he regularly slaked with drafts of ice-water.

Presently two or three young men entered briskly, importantly, and went at once unhesitatingly within the bar. They entered with an assertive air that marked them indubitably as young lawyers still conscious of the privileges so lately conferred. Then some of the loafers came in from the corridor and sidled into the benches behind the bar. Their conversation in low tones, and that of the young lawyers in the higher tones their official quality permitted them, filled the room with a busy interest. From time to time the loafers were joined by other loafers, and they all patiently waited for the sensation the criminal court could dependably provide.

It was not long before there was a scrape and shuffle of feet and a rattle of steel, and then a broad-shouldered man edged through the door. With his right hand he seized a Scotch cap from a head that bristled with a stubble of red hair. His left hand hung by his side, and when he had got into the court-room, Ward saw that a white-haired man walked close beside him, his right hand manacled to the left hand of the red-haired

man. The red-haired man was Danner, the jailer. Behind him in sets of twos marched half a dozen other men, each set chained together. The rear of the little procession was brought up by Utter, a stalwart young man who was one of Danner's assistants.

The scrape of the feet that were so soon to shuffle into the penitentiary, and leave scarce an echo of their hopeless fall behind, roused every one in the court-room. Even the bailiff got to his rheumatic feet and hastily arranged a row of chairs in front of the trial tables. The prisoners sat down and tried to hide their manacles by dropping their hands between their chairs.

There were seven of these prisoners, the oldest the man whom Danner had conducted. He sat with his white head cast down, but his blue eyes roamed here and there, taking in the whole court-room. The other prisoners were young men, one of them a negro; and in the appearance of all there was some pathetic suggestion of a toilet. All of them had their hair combed carefully, except the negro, whose hair could give no perceptible evidence of the comb, unless it were the slight, almost invisible part that bisected his head. But he gave the same air of trying somehow to make the best appearance he was capable of on this eventful day.

Ward's eyes ran rapidly along the row, and rested on the brown-haired, well-formed head of the youngest of the group. He was scarcely more than a boy indeed, and he alone, of all the line, was well dressed. His linen was white, and he wore his well-fitting clothes with a certain vanity and air of style that even his predicament could not divest him of. As Ward glanced at him, an expression of pain came to his

face; the color left it for an instant, and then it grew redder than it had been before.

These prisoners were about to be sentenced for various felonies. Two of them, the old man with the white hair and the negro, had been tried, the one for pocket-picking, the other for burglary. The others were to change their pleas from not guilty to guilty and throw themselves on the mercy of the court. They sat there, whispering with one another, gazing about the room, and speculating on what fate awaited them, or, as they would have phrased it, what sentences they would draw. Like most prisoners they were what the laws define as "indigent," that is, so poor that they could not employ lawyers. The court in consequence had appointed counsel, and the young lawyers who now stood and joked about the fates that were presently to issue from the judge's chambers, were the counsel thus appointed. Now and then the prisoners looked at the lawyers, and some of them may have indulged speculations as to how that fate might have been changed—perhaps altogether avoided—had they been able to employ more capable attorneys. Those among them who had been induced by their young attorneys to plead guilty—under assurances that they would thus fare better than they would if they resisted the law by insisting on their rights under it—probably had not the imagination to divine that they might have fared otherwise at the hands of the law if these lawyers had not dreaded the trial as an ordeal almost as great to them as to their appointed clients, or if they had not been so indigent themselves as to desire speedily to draw the fee the State would allow them for their services. Most of the prisoners, indeed, treated these

young lawyers with a certain patience, if not forbearance, and now they relied on them for such mercy as the law might find in its heart to bestow. Most of them might have reflected, had they been given to the practice, that on former experiences they had found the breast of the law, as to this divine quality, withered and dry. They sat and glanced about, and now and then whispered, but for the most part they were still and dumb and hopeless. Meanwhile their lawyers discussed and compared them, declaring their faces to be hard and criminal; one of the young men thought a certain face showed particularly the marks of crime, and when his fellows discovered that he meant the face of Danner, they laughed aloud and had a good joke on the young man. The young man became very red, almost as red as Danner himself, whom, he begged, they would not tell of his mistake.

At that moment the door of the judge's chambers opened, and instant silence fell. McWhorter, the judge, appeared. He was a man of middle size, with black curly hair, smooth-shaven face, and black eyes that caught in the swiftest glance the row of prisoners, who now straightened and fixed their eyes on him. McWhorter advanced with a brisk step to the bench, mounted it, and nodding, said:

"You may open court, Mr. Bailiff."

The bailiff let his gavel fall on the marble slab, and then with his head hanging, his eyes roving in a self-conscious, almost silly way, he said:

"Hear ye, hear ye, hear ye, this honorable court is now in session."

The bailiff sat down as in relief, but immediately got up again when the judge said:

"Bring me the criminal docket, Mr. Bailiff."

The bailiff's bent figure tottered out of the court-room. The court-room was very still; the ticking of the clock on the wall could be heard. The judge swung his chair about and glanced out of the windows. Never once did he permit his eyes to rest on the prisoners.

There was silence and waiting, and after a while the bailiff came with the docket. The judge opened the book, put on a pair of gold glasses, and, after a time, reading slowly, said:

"The State *versus* Patrick Delaney."

The white-haired prisoner patiently held out two hands, marvelously tatooed, and Danner unlocked the handcuffs. At the same moment one of the young lawyers stood forth from the rest, and Lamborn, an assistant prosecutor, rose.

McWhorter was studying the docket. Presently he said:

"Stand up, Delaney."

Delaney rose, kept his eyes on the floor, clasped a hand about his red wrist. Then, for the first time, the judge looked at him.

"Delaney," he said, "have you anything to say why the sentence of this court should not be passed upon you?"

Delaney looked uneasily at the judge and then let his eyes fall.

"No, Judge, yer Honor," he said, "nothing but that I'm an innocent man. I didn't do it, yer Honor."

The remark did not seem to impress the judge, who turned toward the lawyer. This young man, with a venturesome air, stepped a little farther from the shel-

tering company of his associates and, with a face that was very white and lips that faltered, said in a confused, hurried way:

"Your Honor, we hope your Honor'll be as lenient as possible with this man; we hope your Honor will be as—lenient as possible." The youth's voice died away and he faded back, as it were, into the shelter of his companions. The judge did not seem to be more impressed with what the lawyer had said than he had with what the client had said, and twirling his glasses by their cord, he turned toward the assistant prosecutor.

Lamborn, with an affectation of great ease, with one hand in the pocket of his creased trousers, the other supporting a book of memoranda, advanced and said:

"May it please the Court, this man is an habitual criminal; he has already served a term in the penitentiary for this same offense, and we understand that he is wanted in New York State at this present time. We consider him a dangerous criminal, and the State feels that he should be severely punished."

McWhorter studied the ceiling of the court-room a moment, still swinging his eye-glasses by their cord, and then, fixing them on his nose, looked wisely down at Delaney. Presently he spoke:

"It is always an unpleasant duty to sentence a man to prison, no matter how much he may deserve punishment." McWhorter paused as if to let every one realize his pain in this exigency, and then went on: "But it is our duty, and we can not shirk it. A jury, Delaney, after a fair trial, has found you guilty of burglary. It appears from what the prosecutor says that this is not the first time you have been found guilty of this of-

fense; the experience does not seem to have done you any good. You impress the Court as a man who has abandoned himself to a life of crime, and the Court feels that you should receive a sentence in this instance that will serve as a warning to you and to others. The sentence of the Court is—" McWhorter paused as if to balance the scales of justice with all nicety, and then he looked away. He did not know exactly how many years in prison would expiate Delaney's crime; there was, of course, no way for him to tell. He thought first of the number ten, then of the number five; then, as the saying is, he split the difference, inclined the fraction to the prisoner and said:

"The sentence of the Court is that you be confined in the penitentiary at hard labor for the period of seven years, no part of your sentence to be in solitary confinement, and that you pay the costs of this prosecution."

Delaney sat down without changing expression and held out his hands for the handcuffs. The steel clicked, and the scratch of the judge's pen could be heard as he entered the judgment in the docket.

These proceedings were repeated again and again. McWhorter read the title of the case, Danner unshackled the prisoner, who stood up, gazing dumbly at the floor, his lawyer asked the Court to be lenient, Lamborn asked the Court to be severe, McWhorter twirled his gold glasses, looked out of the window, made his little speech, guessed, and pronounced sentence. The culprit sat down, held out his hands for the manacles, then the click of the steel and the scratch of the judicial pen. It grew monotonous.

But just before the last man was called to book, John Eades, the prosecutor, entered the court-room. At

sight of him the young lawyers, the loafers on the benches, even the judge looked up.

Eades's tall figure had not yet lost the grace of youth, though it was giving the first evidence that he had reached that period of life when it would begin to gather weight. He was well dressed in the blue clothes of a business man, and he was young enough at thirty-five to belong to what may not too accurately be called the new school of lawyers, growing up in a day when the law is changing from a profession to a business, in distinction from the passing day of long coats of professional black, of a gravity that frequently concealed a certain profligacy, and, wherever it was successful, of native brilliancy that could ignore application. Eades's dark hair was carefully parted above his smooth brow; he had rather heavy eyebrows, a large nose, and thin, tightly-set lips that gave strength and firmness to a clean-shaven face. He whispered a word to his assistant, and then said:

"May it please the Court, when the case of the State *versus* Henry C. Graves is reached, I should like to be heard."

"The Court was about to dispose of that case, Mr. Eades," said the judge, looking over his docket and fixing his glasses on his nose.

"Very well," said Eades, glancing at the group of young attorneys. "Mr. Metcalf, I believe, represents the defendant."

The young lawyer thus indicated emerged from the group that seemed to keep so closely together, and said:

"Yes, your Honor, we'd like to be heard also."

"Graves may stand up," said the judge, removing

his glasses and tilting back in his chair as if to listen to long arguments.

Danner had been unlocking the handcuffs again, and the young man who had been so frequently remarked in the line rose. His youthful face flushed scarlet; he glanced about the court-room, saw Ward, drew a heavy breath, and then fixed his eyes on the floor.

Eades looked at Metcalf, who stepped forward and began:

"In this case, your Honor, we desire to withdraw the plea of not guilty and substitute a plea of guilty. And I should like to say a few words for my client."

"Proceed," said McWhorter.

Metcalf, looking at his feet, took two or three steps forward, and then, lifting his head, suddenly began:

"Your Honor, this is the first time this young man has ever committed any crime. He is but twenty-three years old, and he has always borne a good reputation in this community. He is the sole support of a widowed mother, and—yes, he is the sole support of a widowed mother. He—a—has been for three years employed in the firm of Stephen Ward and Company, and has always until—a—this unfortunate affair enjoyed the confidence and esteem of his employers. He stands here now charged in the indictment with embezzlement; he admits his guilt. He has, as I say, never done wrong before—and I believe that this will be a lesson to him which he will not forget. He desires to throw himself on the mercy of the Court, and I ask the Court —to—a—be as lenient as possible."

"Has the State anything to say?" asked the judge.

"May it please the Court," said Eades, speaking in

his low, studied tone, "we acquiesce in all that counsel for defense has said. This young man, so far as the State knows, has never before committed a crime. And yet, he has had the advantages of a good home, of an excellent mother, and he had the best prospects in life that a young man could wish. He was, as counsel has said, employed by Mr. Ward—who is here—" Eades turned half-way around and indicated Ward, who rose and felt that the time had come when he should go forward. "He was one of Mr. Ward's trusted employees. Unfortunately, he began to speculate on the Board himself, and it seems, in the stir of the recent excitement in wheat, appropriated some nine hundred dollars of his employer's money. Mr. Ward is not disposed to deal harshly or in any vengeful spirit with this young man; he has shown, indeed, the utmost forbearance. Nor is the State disposed to deal in any such spirit with him; he, and especially his mother, have my sympathy. But we feel that the law must be vindicated and upheld, and while the State is disposed to leave with the Court the fixing of such punishment as may be appropriate, and has no thought of suggesting what the Court's duty shall be, still the State feels that the punishment should be substantial."

Eades finished and seated himself at the counsel table. The young lawyers looked at him, and, whispering among themselves, said that they considered the speech to have been very fitting and appropriate under the circumstances.

McWhorter deliberated a moment, and then, glancing toward the young man, suddenly saw Ward, and, thinking that if Ward would speak he would

have more time to guess what punishment to give the boy, he said:

"Mr. Ward, do you care to be heard?"

Ward hesitated, changed color, and slowly advanced. He was not accustomed to speaking in public, and this was an ordeal for him. He came forward, halted, and then, clearing his throat, said:

"I don't know that I have anything much to say, only this—that this is a very painful experience to me. I"— he looked toward the youthful culprit—"I was always fond of Henry; he was a good boy, and we all liked him." The brown head seemed to sink between its shoulders. "Yes, we all liked him, and I don't know that anything ever surprised me so much as this thing did, or hurt me more. I didn't think it of him. I feel sorry for his mother, too. I—" Ward hesitated and looked down at the floor.

The situation suddenly became distressing to every one in the court-room. And then, with new effort, Ward went on: "I didn't like to have him prosecuted, but we employ a great many men, many of them young men, and it seemed to be my duty. I don't know; I've had my doubts. It isn't the money—I don't care about that; I'd be willing, so far as I'm concerned, to have him go free now. I hope, Judge, that you'll be as easy on him, as merciful as possible. That's about all I can say."

Ward sat down in the nearest chair, and the judge, knitting his brows, glanced out of the window. Nearly every one glanced out of the window, save Graves, who stood rigid, his eyes staring at the floor. Presently McWhorter turned and said:

"Graves, have you anything to say why the sentence of this court should not be passed on you?"

The youth raised his head, looked into McWhorter's eyes, and said:

"No, sir."

McWhorter turned suddenly and looked away.

"The Court does not remember in all his career a more painful case than this," he began. "That a young man of your training and connections, of your advantages and prospects, should be standing here at the bar of justice, a self-confessed embezzler, is sad, inexpressibly sad. The Court realizes that you have done a manly thing in pleading guilty; it speaks well for you that you were unwilling to add perjury to your other crime. The Court will take that into consideration." McWhorter nodded decisively.

"The Court will also take into consideration your youth, and the fact that this is your first offense. Your looks are in your favor. You are a young man who, by proper, sober, industrious application, might easily become a successful, honest, worthy citizen. Your employer speaks well of you, and shows great patience, great forbearance; he is ready to forgive you, and he even asks the Court to be merciful. The Court will take that fact into consideration as well."

Again McWhorter nodded decisively, and then, feeling that much was due to a man of Ward's position, went on:

"The Court wishes to say that you, Mr. Ward," he gave one of his nods in that gentleman's direction, "have acted the part of a good citizen in this affair. You have done your duty, as every citizen should, painful as it was. The Court congratulates you."

And then, having thought again of the painfulness of this duty, McWhorter went on to tell how painful

his own duty was; but he said it would not do to allow sympathy to obscure judgment in such cases. He talked at length on this theme, still unable to end, because he did not know what sort of guess to make. And then he began to discuss the evils of speculation, and when he saw that the reporters were scribbling desperately to put down all he was saying, he extended his remarks and delivered a long homily on speculation in certain of its forms, characterizing it as one of the worst and most prevalent vices of the day. After he had said all he could think of on this topic, he spoke to Graves again, and explained to him the advantages of being in the penitentiary, how by his behavior he might shorten his sentence by several months, and how much time he would have for reflection and for the formation of good resolutions. It seemed, indeed, before he had done, that it was almost a deprivation not to be able to go to a penitentiary. But finally he came to an end. Then he looked once more out of the window, once more twirled his eye-glasses on their cord, and then, turning about, came to the reserved climax of his long address.

"The sentence of the Court, Mr. Graves, is that you be confined in the penitentiary at hard labor for the term of one year, no part of said sentence to consist of solitary confinement, and that you pay the costs of this prosecution."

The boy sat down, held out his wrists for the handcuffs, the steel clicked, the pen scratched in the silence.

Danner got up, marshaled his prisoners, and they marched out. The eyes of every one in the court-room followed them, the eyes of Ward fixed on Graves. As

he looked, he saw a woman sitting on the last one of the benches near the door. Her head was bowed on her hand, but as the procession passed she raised her face, all red and swollen with weeping, and, with a look of love and tenderness and despair, fixed her eyes on Graves. The boy did not look at her, but marched by, his head resolutely erect.

VII

Ward returned to his office and to his work, but all that day, in the excitement on the floor of the exchange, during luncheon at the club, at his desk, in his carriage going home at evening, he saw before him that row of heads—the white poll of old Delaney, the woolly pate of the negro, but, more than all, the brown head of Harry Graves. And when he entered his home at evening the sadness of his reflections was still in his face.

"What's the matter this evening?" asked Elizabeth. "Nerves?"

"Yes."

"Been on the wrong side to-day?"

"Yes, decidedly, I fear," said Ward.

"What do you mean?"

"I've sent a boy to the penitentiary." Ward felt a kind of relief, the first he had felt all that day, in dealing thus bluntly, thus brutally, with himself. Elizabeth knit her brows, and her eyes winked rapidly in the puzzled expression that came to them.

"You remember Harry Graves?" asked her father.

"Oh, that young man?"

"Yes, that young man. Well, I've sent him to the penitentiary."

"What is that you say, Stephen?" asked Mrs. Ward, coming just then into the room. She had heard his words, but she wished to hear them again.

"I just said I'd sent Harry Graves to the penitentiary."

"For how long?" asked Mrs. Ward, with a judicial desire for all the facts, usually unnecessary in her judgments.

"For one year."

"Why, how easily he got off!" said Mrs. Ward. "And do hurry now, Stephen. You're late."

Elizabeth saw the pain her mother had been so unconscious of in her father's face, and she gave Ward a little pat on the shoulder.

"You dear old goose," she said, "to feel that way about it. Of course, you didn't send him—it was John Eades. That's his business."

But Ward shook his head, unconvinced.

"Doubtless it will be a good thing for the young man," said Mrs. Ward. "He has only himself to blame, anyway."

But still Ward shook his head, and his wife looked at him with an expression that showed her desire to help him out of his gloomy mood.

"You know you could have done nothing else than what you did do," she said. "Criminals must be punished; there is no way out of it. You're morbid—you shouldn't feel so."

But once more Ward gave that unconvinced shake of the head, and sighed.

"See here," said Elizabeth, with the sternness her father liked to have her employ with him, "you stop this right away." She shook him by the shoulder. "You make me feel as if I had done something wrong myself; you'll have us all feeling that we belong to the criminal classes ourselves."

"I've succeeded in making myself feel like a dog," Ward replied.

VIII

The county jail was in commotion. In the street outside a patrol wagon was backed against the curb. The sleek coats of its bay horses were moist with mist; and as the horses stamped fretfully in the slush, the driver, muffled in his policeman's overcoat, spoke to them, begging them to be patient, and each time looked back with a clouded face toward the outer door of the jail. This door, innocent enough with its bright oak panels and ground glass, was open. Inside, beyond the vestibule, beyond another oaken door, stood Danner. He was in black, evidently his dress for such occasions. He wore new, squeaking shoes, and his red face showed the powder a barber had put on it half an hour before. On his desk lay his overcoat, umbrella, and a small valise. The door of the glass case on the wall, wherein were displayed all kinds of handcuffs, nippers, squeezers, come-alongs and leather strait-jackets, together with an impressive exhibit of monstrous steel keys, was open, and several of its brass hooks were empty. Danner, as he stood in the middle of the room, looked about as if to assure himself that he had forgotten nothing, and then went to the window, drew out a revolver, broke it at the breach, and carefully inspected its loads. That done, he snapped the revolver together and slipped it into the holster that was slung to a belt about

his waist. He did not button the coat that concealed this weapon. Then he looked through the window, saw the patrol wagon, took out his watch and shouted angrily:

"For God's sake, Hal, hurry up!"

Danner's impatient admonition seemed to be directed through the great barred door that opened off the other side of the office into the prison, and from within there came the prompt and propitiatory reply of the underling:

"All right, Jim, in a minute."

The open door, the evident preparation, the spirit of impending change, the welcome break in the monotony of the jail's diurnal routine, all were evidenced in the tumult that was going on beyond that huge gate of thick steel bars. The voice of the under-turnkey had risen above the din of other voices proceeding from the depths of hidden cells; there was a constant shuffle of feet on cement floors, the rattle of keys, the heavy tumbling of bolts, the clang and grating of steel as the shifting of a lever opened and closed simultaneously all the doors of an entire tier of cells. These noises seemed to excite the inmates, but presently above the discord arose human cries, a chorus of good-bys, followed in a moment by those messages that conventionally accompany all departures, though these were delivered in all the various shades of sarcasm and bitter irony.

"Good-by!"

"Remember us to the main screw!"

"Think of us when you get to the big house!"

Thus the voices called.

And then suddenly, one voice rose above the rest, a

fine barytone voice that would have been beautiful had not it taken on a tone of mockery as it sang:

"We're going home! We're going home!
No more to sin and sorrow."

Then other voices took up the lines they had heard at the Sunday services, and bawled the hymn in a horrible chorus. The sound infuriated Danner, and he rushed to the barred door and shouted:

"Shut up! Shut up!" and he poured out a volume of obscene oaths. From inside came yells, derisive in the safety of anonymity.

"You'll get nothing but bread and water for supper after that!" Danner shouted back. He began to unlock the door, but, glancing at the desk, changed his mind and turned and paced the floor.

But now the noise of the talking, the shuffle of feet on the concrete floors, came nearer. The door of the prison was unlocked; it swung back, and there marched forth, walking sidewise, with difficulty, because they were all chained together, thirteen men. Two of the thirteen, the first and last, were Gregg and Poole, under-turnkeys. Utter, Danner's first assistant, came last, carefully locking the door behind him.

"Line up here," said Danner angrily, "we haven't got all night!"

The men stood in a row, and Danner, leaning over his desk, began to check off their names. There was the white-haired Delaney, who had seven years for burglary; Johnson, a negro who had been given fifteen years for cutting with intent to kill; Simmons, five years for grand larceny; Gunning, four years for housebreaking; Schypalski, a Pole, three years for ar-

son; Graves, the employee of Ward, one year for embezzlement; McCarthy, and Hayes his partner, five years each for burglary and larceny; "Deacon" Samuel, an old thief, and "New York Willie," alias "The Kid," a pickpocket, who had each seven years for larceny from the person; and Brice, who had eight years for robbery. These men were to be taken to the penitentiary. Nearly all of them were guilty of the crimes of which they had been convicted.

The sheriff had detailed Danner to escort these prisoners to the penitentiary, as he sometimes did when he did not care to make the trip himself. Gregg would accompany Danner, while Poole would go only as far as the railway station. Danner was anxious to be off; these trips to the state capital were a great pleasure to him, and he had that nervous dread of missing the train which comes over most people as they are about to start away for a holiday. He was anxious to get away from the jail before anything happened to stay him; he was anxious to be on the moving train, for until then he could not feel himself safe from some sudden recall. He had been thinking all day of the black-eyed girl in a brothel not three blocks from the penitentiary, whom he expected to see that night after he had turned the prisoners over to the warden. He could scarcely keep his mind off her long enough to make his entries in the jail record and to see that he had all his mittimuses in proper order.

The prisoners, standing there in a haggard row, wore the same clothes they had had on when they appeared in court for sentence a few weeks before; the same clothes they had had on when arrested. None of them, of course, had any baggage. The little trinkets

they had somehow accumulated while in jail they had distributed that afternoon among their friends who remained behind in the steel cages; all they had in the world they had on their backs. Most of them were dressed miserably. Gunning, indeed, who had been lying in jail since the previous June, wore a straw hat, which made him so absurd that the Kid laughed when he saw him, and said:

"That's a swell lid you've got on there, Gunny, my boy. I'm proud to fill in with your mob."

Gunning tried to smile, and his face, already white with the prison pallor, seemed to be made more ghastly by the mockery of mirth.

The Kid was well dressed, as well dressed as Graves, who still wore the good clothes he had always loved. Graves was white, too, but not as yet with the prison pallor. He tried to bear himself bravely; he did not wish to break down before his companions, all of whom had longer sentences to serve than he. He dreaded the ride through the familiar streets where a short time before he had walked in careless liberty, full of the joy and hope and ambition of youth. He knew that countless memories would stalk those streets, rising up unexpectedly at every corner, following him to the station with mows and jeers; he tried to bear himself bravely, and he did succeed in bearing himself grimly, but he had an aching lump in his throat that would not let him speak. It had been there ever since that hour in the afternoon when his mother had squeezed her face between the bars of his cell to kiss him good-by again and again. The prison had been strangely still while she was there, and for a long time after she went even the Kid had been quiet and had forgotten his joshing

and his ribaldry. Graves had tried to be brave for his mother's sake, and now he tried to be brave for appearances' sake. He envied Delaney and the negro, who took it all stolidly, and he might have envied the Kid, who took it all humorously, if it had not been for what the Kid had said to him that afternoon about his own mother. But now the Kid was cheerful again, and kept up the spirits of all of them. To Graves it was like some horrible dream; everything in the room—Danner, the turnkeys, the exhibit of jailer's instruments on the wall—was unreal to him—everything save the hat-band that hurt his temples, and the aching lump in his throat. His eyes began to smart, his vision was blurred; instinctively he started to lift his hand to draw his hat farther down on his forehead, but something jerked, and Schypalski moved suddenly; then he remembered the handcuffs. The Pole was dumb under it all, but Graves knew how Schypalski had felt that afternoon when the young wife whom he had married but six months before was there; he had wept and grown mad until he clawed at the bars that separated them, and then he had mutely pressed his face against them and kissed the young wife's lips, just as Graves's mother had kissed him. And then the young wife would not leave, and Danner had to come and drag her away across the cement floor.

Johnson was stupefied; he had not known until that afternoon that he was to be taken away so soon, and his wife had not known; she was to bring the children on the next day to see him. For an hour Johnson had been on the point of saying something; his lips would move, and he would lift his eyes to Danner, but he seemed afraid to speak.

Meanwhile, Danner was making his entries and looking over his commitment papers. The Kid had begun to talk with Deacon Samuel. He and the Deacon had been working together and had been arrested for the same crime, but Danner had separated them in the jail so they could not converse, and they were together now for the first time since their arrest. The Kid bent his body forward and leaned out of the line to look down at the Deacon. The old thief was smooth-faced and wore gold-rimmed spectacles. When the Kid caught his mild, solemn eye, looking out benignly from behind his glasses, a smile spread over his face, and he said:

"Well, old pard, we're fixed for the next five-spot."

"Yes," said the Deacon.

"How was it pulled off for you?" asked the Kid.

"Oh, it was the same old thing over again," replied the Deacon. "They had us lagged before the trial, but they had to make a flash of some kind, so they put up twelve suckers and then they put a rapper up, and that settled it."

"There was nothing to it," said the Kid, in a tone that acquiesced in all the Deacon had been saying. "It was that way with me. They were out chewing the rag for five minutes, then they comes in, hands the stiff to the old bloke in the rock, and he hands it to quills, who reads it to me, and then the old punk-hunter made his spiel."

"Did he?" said the Deacon, interested. "He didn't to me; he just slung it at me in a lump."

"Did Snaggles plant the slum?"

"Naw," said the Deacon, "the poke was cold and the thimble was a phoney."

"Je's," exclaimed the Kid. "I never got wise! Well, then there was no chance for him to spring us."

"No."

"It's tough to fall for a dead one," mused the Kid.

The other prisoners had been respectfully silent while these two thieves compared notes, but their conversation annoyed Danner. He could not understand what they were saying, and this angered him, and besides, their talking interfered with his entries, for he was excessively stupid.

"They gave me a young mouthpiece," the Kid was beginning, when Danner raised his head and said:

"Now you fellows cut that out, do you hear? I want to get my work done and start."

"I beg your pardon, papa," said the Kid; "we're anxious to start, too. Did you engage a lower berth for me?"

The line of miserable men laughed, not with mirth so much as for the sake of any diversion, and at the laugh Danner's face and neck colored a deeper red. The Kid saw this change in color and went on:

"Please don't laugh, gentlemen; you're disturbing the main screw." And then, lifting his eyebrows, he leaned forward a little and said: "Can't I help you, papa?"

Danner paid no attention, but he was rapidly growing angry.

"I'd be glad to sling your ink for you, papa," the Kid went on, "and anyway you'd better splice yourself in the middle of the line before we start, or you might get lost. You know you're not used to traveling or to the ways of the world—"

"Cheese it, Kid," said the Deacon warningly. But

the spirit of deviltry which he had never been able to resist, and indeed had never tried very hard to resist, was upon the Kid, and he went on:

"Deac, pipe the preacher clothes! And the brand new kicks, and the mush! They must have put him on the nut for ten ninety-eight."

"He'll soak you with a sap if you don't cheese it," said the Deacon.

"Oh, no, a nice old pappy guy like him wouldn't, would you?" the Kid persisted. "He knows I'm speaking for his good. I want him to chain himself to us so's he won't get lost; if he'd get away and fall off the rattler, he'd never catch us again."

"Well, I could catch you all right," said Danner, stopping and looking up.

"Why, my dear boy," said the Kid, "you couldn't track an elephant through the snow."

The line laughed again, even the under-turnkeys could not repress their smiles. But Danner made a great effort that showed in the changing hues of scarlet that swept over his face, and he choked down his anger. He put on his overcoat and picked up his satchel, and said:

"Come on, now."

Utter unlocked the outer doors, and the line of men filed out.

"Good-by, Bud," the Kid called to Utter. "If you ever get down to the dump, look me up."

The others bade Utter good-by, for they all liked him, and as the line shuffled down the stone steps the men eagerly inhaled the fresh air they had not breathed for weeks, save for the few minutes consumed in going over to the court-house and back, and a thrill of glad-

ness momentarily ran through the line. Then the Kid called out:

"Hold on, Danner!"

He halted suddenly, and so jerked the whole line to an abrupt standstill. "I've left my mackintosh in my room!"

"If you don't shut up, I'll smash your jaw!"

The Kid's laugh rang out in the air.

"Yes, that'd be just about your size!" he said.

Danner turned quickly toward the Kid, but just at that instant a dark fluttering form flew out of the misty gloom and enveloped Schypalski; it was his wife, who had been waiting all the afternoon outside the jail. She clung to the Pole, who was as surprised as any of them, and she wept and kissed him in her Slavonic fashion,—wept and kissed as only the Slavs can weep and kiss. Then Danner, when he realized what had occurred, seized her and flung her aside.

"You damn bitch!" he said. "I'll show you!"

"That's right, Danner," said the Kid. "You've got some one your size now! Soak her again."

Danner whirled, his anger loose now, and struck the Kid savagely in the face. The line thrilled through its entire length; wild, vague hopes of freedom suddenly blazed within the breasts of these men, and they tugged at the chains that bound them. Utter, watching from the door, ran down the walk, and Danner drew his revolver.

"Get into that wagon!" he shouted, and then he hurled after them another mouthful of the oaths he always had ready. The little sensation ended, the hope fell dead, and the prisoners moved doggedly on. In a second the Kid had recovered himself, and then, speak-

ing thickly, for the blood in his mouth, he said in a low voice:

"Danner, you coward, I'll serve you out for that, if I get the chair for it!"

It was all still there in the gloom and the misty rain, save for the shuffle of the feet, the occasional click of a handcuff chain, and presently the sobbing of the Polish woman rising from the wet ground. Danner hustled his line along, and a moment later they were clambering up the steps of the patrol wagon.

"Well, for God's sake!" exclaimed the driver, "I thought you'd never get here! Did you want to keep these horses standing out all night in the wet?"

The men took their seats inside, those at the far end having to hold their hands across the wagon because they were chained together, and the wagon jolted and lurched as the driver started his team and went bowling away for the station. The Pole was weeping.

"The poor devil!" said the pickpocket. "That's a pretty little broad he has. Can't you fellows do something for him? Give him a cigarette—or—a chew—or—something." Their resources of comfort were so few that the Kid could think of nothing more likely.

Just behind the patrol wagon came a handsome brougham, whose progress for an instant through the street which saw so few equipages of its rank had been stayed by the patrol wagon, moving heavily about before it started. The occupants of the brougham had seen the line come out of the jail, had seen it halt, had seen Danner fling the Polish woman aside and strike the pickpocket in the face; they had seen the men hustled into the patrol wagon, and now, as it followed after, Elizabeth Ward heard a voice call impudently:

"All aboard for the stir!"

IX

The patrol wagon bowled rapidly onward, and the brougham followed rapidly behind. The early darkness of the winter afternoon was enveloping the world, and in the damp and heavy air the roar of the city was intensified. The patrol wagon turned into Franklin Street and disappeared in the confusion of vehicles. The street was crowded; enormous trucks clung obstinately to the car tracks and only wrenched themselves away when the clamor of the gongs became desperate, their drivers swearing at the motormen, flinging angry glances at them. The trolley-cars swept by, filled with shop-girls, clerks, working-men, business men hanging to straps, reading evening papers in the brilliant electric lights; men clung to the broad rear platforms; at every crossing others attached themselves to these dark masses of humanity, swarming like insects. The sidewalks were crowded, and, as far as one could see, umbrellas balanced in the glistening mist.

The brougham of the Wards succeeded presently in crossing Franklin Street.

"They were taking them to the penitentiary!" said Elizabeth, speaking for the first time.

"I presume they were," said her mother.

"Harry Graves was among them," Elizabeth went on, staring widely before her, her tone low and level.

Mrs. Ward turned her head.

"I saw his face—it stood out among the rest. I can never forget it!"

She sat with her gloved hands in her lap. Her mother did not speak, but she looked at her.

"And that man—that big, brutal man, throwing that woman down, and then striking that man in the face!"

Mrs. Ward, not liking to encourage her daughter's mood, did not speak.

"Oh, it makes me sick!"

Elizabeth stretched forth her hand, drew a cut-glass bottle from its case beside the little carriage clock and mirror, and, sinking back in her cushioned corner, inhaled the stimulating odor of the salts. Then her mother stiffened and said:

"I don't know what Barker means, driving us down this way where we have to endure such sights. You must control yourself, dear, and not allow disagreeable things to get on your nerves."

"But think of that poor boy, and the man who was struck, and that woman!"

"Probably they can not feel as keenly as—"

"And think of all those men! Oh, their faces! Their faces! I can never forget them!"

Elizabeth continued to inhale the salts, her mind deeply intent on the scene she had just witnessed. They were drawing near to Claybourne Avenue now, and Mrs. Ward's spirits visibly improved at the sight of its handsome lamp posts and the carriages flashing by, their rubber tires rolling softly on the wet asphalt.

"Well," she exclaimed, settling back on the cushions, "this is better! I don't know what Barker was thinking of! He's very stupid at times!"

The carriage joined the procession of other equi-

pages of its kind. They had left the street at the end of which could be seen the court-house and the jail. The jail was blazing now with light, its iron bars showing black across its illumined windows. And beyond the jail, as if kept at bay by it, a huddle of low buildings stretched crazily along Mosher's Lane, a squalid street that preserved in irony the name of one of the city's earliest, richest and most respectable citizens, long since deceased. The Lane twinkled with the bright lights of saloons, the dim lights of pawnshops, the red lights of brothels—the slums, dark, foul, full of disease and want and crime. Along the streets passed and repassed shadowy, fugitive forms, negroes, Jews, men, and women, and children, ragged, unkempt, pinched by cold and hunger. But above all this, above the turmoil of Franklin Street and the reeking life of the slums behind it, above the brilliantly lighted jail, stood the court-house, gray in the dusk, its four corners shouldering out the sky, its low dome calmly poised above the town.

X

"And how is your dear mother?" Miss Masters turned to Eades and wrought her wry face into a smile. Her black eyes, which she seemed able to make sparkle at will, were fixed on him; her black-gloved hands were crossed primly in her lap, as she sat erect on the stiff chair Elizabeth Ward had given her.

"She's pretty well, thanks," said Eades. He had always disliked Miss Masters, but he disliked her more than ever this Sunday afternoon in April when he found her at the Wards'. It was a very inauspicious beginning of his spring vacation, to which, after his hard work of the winter term, he had looked forward with sentiments as tender as the spring itself, just beginning to show in the sprightly green that dotted the maple trees along Claybourne Avenue.

"And your sister?"

"She is very well, too."

"Dear me!" the ugly little woman ran on, speaking with the affectation she had cultivated for years enough to make it natural at last to her. "It has been so long since I've seen either of them! I told mama to-day that I didn't go to see even my old friends any more. Of course," she added, lowering her already low tone to a level of hushed deprecation, "we never go to see any of the new-comers; and lately there are so many, one hardly knows the old town. Still, I feel that we of

the old families understand each other and are sufficient unto ourselves, as it were, even if we allow years to elapse without seeing each other—don't you, dear?" She turned briskly toward Elizabeth.

Eades had hoped to find Elizabeth alone, and he felt it to be peculiarly annoying that Miss Masters, whose exclusiveness kept her from visiting even her friends of the older families, should have chosen for her exception this particular Sunday afternoon out of all the other Sunday afternoons at her command. He had found it impossible to talk with Elizabeth in the way he had expected to talk to her, and he was so out of sorts that he could not talk to Miss Masters, though that maiden aristocrat of advancing years, strangely stimulated by his presence, seemed efficient enough to do all the talking herself.

Elizabeth was trying to find a position that would give her comfort, without denoting any lapse from the dignity of posture due a family that had been known in that city for nearly fifty years. But repose was impossible to her that afternoon, and she nervously kept her hands in motion, now grasping the back of her chair, now knitting them in her lap, now raising one to her brow; once she was on the point of clasping her knee, but this impulse frightened her so that she quickly pressed her belt down, drew a deep breath, resolutely sat erect, crossed her hands unnaturally in her lap, and smiled courageously at her visitors. Eades noted how firm her hands were, and how white; they were indicative of strength and character. She held her head a little to one side, keeping up her pale smile of interest for Miss Masters, and Eades thought that he should always think of her as she sat thus, in her

soft blue dress, her eyes winking rapidly, her dark hair parting of its own accord.

"And how do you like your new work, Mr. Eades?" Miss Masters was asking him, and then, without waiting for a reply, she went on: "Do you know, I believe I have not seen you since your election to congratulate you. But we've been keeping watch; we have seen what the papers said."

She smiled suggestively, and Eades inclined his head to acknowledge her tribute.

"I think we are to be congratulated on having you in that position. I think it is very encouraging to find some of our *best* people in public office."

There was a tribute surely in the emphasis she placed on the adjective, and Eades inclined his head again.

"I really think it was noble in you to accept. It must be very disagreeable to be brought in contact with—you know!" She smiled and nodded as if she could not speak the word. "And you have been so brave and courageous through it all—you are surely to be admired!"

Eades felt suddenly that Miss Masters was not so bad after all; he relished this appreciation, which he took as an evidence of the opinion prevailing in the best circles. He recalled a conversation he had lately had with Elizabeth on this very subject, and, with a sudden impulse to convict her, he said:

"I'm afraid Miss Ward will hardly agree with you."

Miss Masters turned to Elizabeth with an expression of incredulity and surprise.

"Oh, I am sure—" she began.

"I believe she considers me harsh and cruel," Eades went on, smiling, but looking intently at Elizabeth.

"Oh, Mr. Eades is mistaken," she said; "I'm sure I agree with all the nice things that are said of him."

She detested the weakness of her quick retreat; and she detested more the immediate conviction that it came from a certain fear of Eades. She was beginning to feel a kind of mastery in his mere presence, so that when she was near him she felt powerless to oppose him. The arguments she always had ready for others, or for him—when he was gone—seemed invariably to fail her when he was near; she had even gone to the length of preparing them in advance for him, but when he came, when she saw him, she could not even state them, and when she tried, they seemed so weak and puerile and ineffectual as to deserve nothing more serious than the tolerant smile with which he received and disposed of them. And now, as this weakness came over her, she felt a fear, not for any of her principles, which, after all, were but half-formed and superficial, but a fear for herself, for her own being, and she was suddenly grateful for Miss Masters's presence. Still, Eades and Miss Masters seemed to be waiting, and she must say something.

"It's only this," she said. "Not long ago I saw officers taking some prisoners to the penitentiary. I can never forget the faces of those men."

Over her sensitive countenance there swept the memory of a pain, and she had the effect of sinking in her straight chair. But Eades was gazing steadily at her, a smile on his strong face, and Miss Masters was saying:

"But, dear me! The penitentiary is the place for such people, isn't it, Mr. Eades?"

"I think so," said Eades. His eyes were still fixed on

Elizabeth, and she looked away, groping in her mind for some other subject. Just then the hall bell rang.

Elizabeth was glad, for it was Marriott, and as she took his hand and said simply, "Ah, Gordon," the light faded from Eades's face.

Marriott's entrance dissolved the situation of a moment before. He brought into the drawing-room, dimming now in the fading light, a new atmosphere, something of the air of the spring. Miss Masters greeted him with a manner divided between a certain distance, because Marriott had not been born in that city, and a certain necessary approach to his mere deserts as a man. Marriott did not notice this, but dropped on to the divan. Elizabeth had taken a more comfortable chair. Marriott, plainly, was not in the formal Sunday mood, just as he was not in the formal Sunday dress. He had taken in Eades's frock-coat and white waistcoat at a glance, and then looked down at his own dusty boots.

"I've been hard at work to-day, Elizabeth," he said, turning to her with a smile.

"Working! You must remember the Sabbath day to keep it—"

"The law wasn't made for lawyers, was it, John?" He appealed suddenly to Eades, whose conventionality he always liked to shock, and Elizabeth smiled, and Eades became very dignified.

"I've been out to see our old friends, the Koerners," Marriott went on.

"Oh, tell me about them!" said Elizabeth, leaning forward with eager interest. "How is Gusta?"

"Gusta's well, and prettier than ever. Jove! What a beauty that girl is!"

"Isn't she pretty?" said Elizabeth. "She was a delight in the house for that very reason. And how is poor old Mr. Koerner—and all of them?"

"Well," said Marriott, "Koerner's amputated leg is all knotted up with rheumatism."

Miss Masters's dark face was pinched in a scowl.

"And Archie's in jail."

"In jail!" Elizabeth dropped back in her chair.

"Yes, in jail."

"Why! What for?"

"Well, he seems to belong to a gang that was arrested day before yesterday for something or other."

"There, Mr. Eades," said Elizabeth suddenly, "there now, you *must* let Archie Koerner go."

"Oh, I'll not let John get a chance at him," said Marriott. "He's charged with a misdemeanor only—he'll go to the workhouse, if he goes anywhere."

"And you'll defend him?"

"Oh, I suppose so," said Marriott wearily. "You've given me a whole family of clients, Elizabeth. I went out to see the old man about his case—I think we'll try it early this term."

"These Koerners are a family in whom I've been interested," Elizabeth suddenly thought to explain to Miss Masters, and then she told them of Gusta, of old Koerner's accident, and of Archie's career as a soldier.

"They've had a hard winter of it," said Marriott. "The old man, of course, can't work, and Archie, by his experience as a soldier, seems to have been totally unfitted for everything—except shooting—and shooting is against the law."

Now that the conversation had taken this turn, Miss

Masters moved to go. She bade Marriott farewell coldly, and Eades warmly, and Elizabeth went with her into the hall. Eades realized that all hope of a tête-à-tête with Elizabeth had departed, and he and Marriott not long afterward left to walk down town together. The sun was warm for the first time in months, and the hope of the spring had brought the people out of doors. Claybourne Avenue was crowded with carriages in which families solemnly enjoyed their Sunday afternoon drives, as they had enjoyed their stupefying dinners of roast beef four hours before. Electric automobiles purred past, and now and then a huge touring car, its driver in his goggles resembling some demon, plunged savagely along, its horn honking hoarsely at every street crossing. The sidewalks were thronged with pedestrians, young men whose lives had no other diversion than to parade in their best clothes or stand on dusty down-town corners, smoke cigars and watch the girls that tilted past.

"That Miss Masters is a fool," said Marriott, when they had got away from the house.

"Yes, she is," Eades assented. "She was boring Miss Ward to death."

"Poor Elizabeth!" said Marriott with a little laugh. "She is so patient, and people do afflict her so."

Eades did not like the way in which Marriott could speak of Elizabeth, any more than he liked to hear Elizabeth address Marriott as Gordon.

"I see the *Courier* gave you a fine send-off this morning," Marriott went on. "What a record you made! Not a single acquittal the whole term!"

Eades made no reply. He was wondering if Elizabeth had seen the *Courier's* editorial. In the morning

he thought he would send her a bunch of violets, and Tuesday—

"Your course is most popular," Marriott went on. And Eades looked at him; he could not always understand Marriott, and he did not like to have him speak of his course as if he had deliberately chosen it as a mere matter of policy.

"It's the right course," he said significantly.

"Oh, I suppose so," Marriott replied. "Still—I really can't congratulate you when I think of those poor devils—"

"I haven't a bit of sympathy for them," said Eades coldly. This, he thought, was where Elizabeth got those strange, improper notions. Marriott should not be permitted—

Just then, in an automobile tearing by, they saw Dick Ward, and Eades suddenly recalled a scene he had witnessed in the club the day before.

"That young fellow's going an awful gait," he said suddenly.

"Who, Dick?"

"Yes, I saw him in the club yesterday—"

"I know," said Marriott. "It's a shame. He's a nice little chap."

"Can't you do something for him? He seems to like you."

"What can I do?"

"Well, can't you—speak to him?"

"I never could preach," said Marriott.

"Well," said Eades helplessly, "it's too bad."

"Yes," said Marriott; "it would break their hearts—Ward's and Elizabeth's."

XI

The Koerners, indeed, as Marriott said, had had a hard winter. The old man, sustained at first by a foolish optimism, had expected that his injury would be compensated immediately by heavy damages from the railroad he had served so long. Marriott had begun suit, and then the law began the slow and wearisome unfolding of its interminable delays. Weeks and months went by and nothing was done. Koerner sent for Marriott, and Marriott explained—the attorneys for the railroad company had filed a demurrer, the docket was full, the case would not be reached for a long time. Koerner could not understand; finally, he began to doubt Marriott; some of his neighbors, with the suspicion natural to the poor, hinted that Marriott might have been influenced by the company. Koerner's leg, too, gave him incessant pain. All winter long he was confined to the house, and the family grew tired of his monotonous complainings. To add to this, Koerner was now constantly dunned by the surgeon and by the authorities of the hospital; the railroad refused to pay these bills because Koerner had brought suit; the bills, to a frugal German like Koerner, were enormous, appalling.

The Koerners, a year before, had bought the house in which they lived, borrowing the money from a building and loan association. The agent of the asso-

ciation, who had been so kind and obliging before the mortgage was signed, was now sharp and severe; he had lately told Koerner that unless he met the next instalment of interest he would set the family out in the street.

Koerner had saved some money from his wages, small as they were; but this was going fast. During the winter Mrs. Koerner, though still depressed and ill, had begun to do washings; the water, splashing over her legs from the tubs in the cold wood-shed day after day, had given her rheumatism. Gusta helped, of course, but with all they could do it was hard to keep things going. Gusta tried to be cheerful, but this was the hardest work of all; she often thought of the pleasant home of the Wards, and wished she were back there. She would have gone back, indeed, and given her father her wages, but there was much to do at home—the children to look after, the house to keep, the meals to get, the washings to do, and her father's leg to dress. Several times she consulted Marriott about the legal entanglements into which the family was being drawn; Marriott was wearied with the complications—the damage suit, the mortgage, the threatened actions for the doctor's bills. The law seemed to be snarling the Koerners in every one of its meshes, and the family was settling under a Teutonic melancholia.

Just at this time the law touched the family at another point—Archie was arrested. For a while he had sought work, but his experience in the army had unfitted him for every normal calling; he had acquired a taste for excitement and adventure, and no peaceful pursuit could content him. He would not return to the army because he had too keen a memory of the indig-

nities heaped on a common soldier by officers who had been trained from youth to an utter disregard of all human relations save those that were unreal and artificial. He had learned but one thing in the army, and that was to shoot, and he could shoot well. Somehow he had secured a revolver, a large one, thirty-eight caliber, and with this he was constantly practising.

Because Archie would not work, Koerner became angry with him; he was constantly remonstrating with him and urging him to get something to do. Archie took all his father's reproaches with his usual good nature, but as the winter wore slowly on and the shadow of poverty deepened in the home, the old man became more and more depressed, his treatment of his son became more and more bitter. Finally Archie stayed away from home to escape scolding. He spent his evenings in Nussbaum's saloon, where, because he had been a soldier in the Philippines and was attractive and good looking, he was a great favorite and presently a leader of the young men who spent their evenings there. These young men were workers in a machine shop; they had a baseball club called the "Vikings," and in summer played games in the parks on Sundays. In the winter they spent their evenings in the saloon, the only social center accessible to them; here, besides playing pool, they drank beer, talked loudly, laughed coarsely, sang, and now and then fought, very much like Vikings indeed.

Later, roaming down town to Market Place, Archie made other acquaintances, and these young men were even more like Vikings. They were known as the Market Place gang, and they made their headquarters in Billy Deno's saloon, though they were well known in

all the little saloons around the four sides of the Market. They were known, too, at the police station, which stood grimly overlooking Market Place, for they had committed many petty raids, and most of them had served terms in the workhouse. One by one they were being sent to the penitentiary, a distinction they seemed to prize, or which their fellows seemed to prize in them when they got back. The gang had certain virtues,—it stuck together; if a member was in trouble, the other members were all willing to do anything to help him out. Usually this willingness took the form of appearing in police court and swearing to an alibi, but they had done this service so often that the police-court habitués and officials smiled whenever they appeared. Their testimonies never convinced the judge; but they were imperturbable and ever ready to commit perjury in the cause.

When Archie was out of money he could not buy cartridges for his revolver, and he discovered by chance one afternoon, when he had drifted into a little shooting gallery, that the proprietor was glad to give him cartridges in return for an exhibition with the revolver, for the exhibition drew a crowd, and the boozy sailors who lounged along the Market in the evening were fascinated by Archie's skill and forthwith emulated it. It was in this way that Archie met the members of the Market Place gang, and finding them stronger, braver, more enterprising spirits than the Vikings, he became one of them, spent his days and nights with them, and visited Nussbaum's no more. He became the fast friend of Spud Healy, the leader of the gang, and in this way he came to be arrested.

Besides Archie and Spud Healy, Red McGuire,

Butch Corrigan, John Connor and Mike Nailor were arrested. A Market Place grocer had missed a box of dried herrings, reported it to the police, and the police, of course, had arrested on suspicion such of the gang as they could find.

Archie's arrest was a blow to Koerner. He viewed the matter from the German standpoint, just as he viewed everything, even after his thirty-seven years in America. It was a blow to his German reverence for law, a reverence which his own discouraging experience of American law could not impair, and it was a blow to his German conception of parental authority; he denounced Archie, declaring that he would do nothing for him even if he could.

Gusta, in the great love she had for Archie, felt an instant desire to go to him, but when she mentioned this, her father turned on her so fiercely that she did not dare mention it again. On Monday morning, when her work was done, Gusta, dressing herself in the clothes she had not often had occasion to wear during the winter, stole out of the house and went down town,—a disobedience in which she was abetted by her mother. Half an hour later Gusta was standing bewildered in the main entrance of the Market Place Police Station. The wide hall was vacant, the old and faded signs on the walls, bearing in English and in German instructions for police-court witnesses, could not aid her. From all over the building she heard noises of various activities,—the hum of the police court, the sound of voices, from some near-by room a laugh. She went on and presently found an open door, and within she saw several officers in uniform, with handsome badges on their breasts and stars on the velvet collars of their

coats. As she hesitated before this door, a policeman noticed her, and his coarse face lighted up with a suggestive expression as he studied the curves of her figure. He planted himself directly in front of her, his big figure blocking the way.

"I'd like to speak to my brother, if I can," said Gusta. "He's arrested."

She colored and her eyes fell. The policeman's eyes gleamed.

"What's his name, Miss?" he asked.

"Archie Koerner."

"What's he in fer?"

"I can't tell you, sir."

The policeman looked at her boldly, and then he took her round arm in his big hand and turned her toward the open door.

"Inspector," he said, "this girl wants to see her brother. What's his name?" he asked again, turning to Gusta.

"Koerner, sir," said Gusta, speaking to the scowling inspector, "Archie Koerner."

Inspector McFee, an old officer who had been on the police force for twenty-five years, eyed her suspiciously. His short hair was dappled with gray, and his mustache was clipped squarely and severely on a level with his upper lip. Gusta had even greater fear of him than she had of the policeman, who now released his hold of her arm. Instinctively she drew away from him.

"Archie Koerner, eh?" said the inspector in a gruff voice.

At the name, a huge man, swart and hairy, in civilian's dress, standing by one of the big windows, turned

suddenly and glowered at Gusta from under thick black eyebrows. His hair, black and coarse and closely clipped, bristled almost low enough on his narrow forehead to meet his heavy brows. He had a flat nose, and beneath, half encircling his broad, deep mouth, was a black mustache, stubbed and not much larger than his eyebrows. His jaw was square and heavy. A gleam showed in his small black eyes and gave a curiously sinister aspect to his black visage.

"What's that about Koerner?" he said, coming forward aggressively. Gusta shrank from him. She felt herself in the midst of powerful, angry foes.

"You say he's your brother?" asked the inspector.

"Yes, sir."

"What do you want of him?"

"Oh, I just want to see him, sir," Gusta said. "I just want to talk to him a minute—that's all, sir."

Her blue eyes were swimming with tears.

"Hold on a minute," said the man of the dark visage. He went up to the inspector, whispered to him a moment. The inspector listened, finally nodded, then took up a tube that hung by his desk and blew into it. Far away a whistle shrilled.

"Let this girl see Koerner," he said, speaking into the tube, "in Kouka's presence." Then, dropping the tube, he said to Gusta:

"Go down-stairs—you can see him."

The policeman took her by the arm again, and led her down the hall and down the stairs to the turnkey's room. The turnkey unlocked a heavy door and tugged it open; inside, in a little square vestibule, Gusta saw a dim gas-jet burning. The turnkey called:

"Koerner!"

Then he turned to Gusta and said:

"This way."

She went timidly into the vestibule and found herself facing a heavy door, crossed with iron bars. On the other side of the bars was the face of Archie.

"Hello, Gusta," he said.

She had lifted her skirts a little; the floor seemed to her unclean. The odor of disinfectants, which, strong as it was, could not overpower the other odors it was intended to annihilate, came strongly to her. Through the bars she had a glimpse of high whitewashed walls, pierced near the top with narrow windows dirty beyond all hope. On the other side was a row of cells, their barred doors now swinging open. Along the wall miserable figures were stretched on a bench. Far back, where the prison grew dark as night, other figures slouched, and she saw strange, haggard faces peering curiously at her out of the gloom.

"Hello, Gusta," Archie said.

She felt that she should take his hand, but she disliked to thrust it through the bars. Still she did so. In slipping her hand through to take Archie's hand it touched the iron, which was cold and soft as if with some foul grease.

"Oh, Archie," she said, "what has happened?"

"Search me," he said, "I don't know what I'm here for. Ask Detective Kouka there. He run me in."

Gusta turned. The black-visaged man was standing beside her. Archie glared at the detective in open hatred, and Kouka sneered but controlled himself, and looked away as if, after all, he were far above such things.

Then they were silent, for Gusta could not speak.

"How did you hear of the pinch?" asked Archie presently.

"Mrs. Schopfle was in—she told us," replied Gusta.

"What did the old man say?"

"Oh, Archie! He's awful mad!"

Archie hung his head and meditatively fitted the toe of his boot into one of the squares made by the crossed bars at the bottom of the door.

"Say, Gusta," he said, "you tell him I'm in wrong; will you? Honest to God, I am!"

He raised his face suddenly and held it close to the bars.

"I will, Archie," she said.

"And how's ma?"

"Oh, she's pretty well." Gusta could not say the things she wished; she felt the presence of Kouka.

"Say, Gusta," said Archie, "see Mr. Marriott; tell him to come down here; I want him to take my case. I'll work and pay him when I get out. Say, Gusta," he went on, "tell him to come down this afternoon. My God, I've got to get out of here! Will you? You know where his office is?"

"I'll find it," said Gusta.

"It's in the Wayne Building."

Gusta tried to look at Archie; she tried to keep her eyes on his face, on his tumbled yellow hair, on his broad shoulders, broader still because his coat and waistcoat were off, and his white throat was revealed by his open shirt. But she found it hard, because her eyes were constantly challenged by the sights beyond—the cell doors, the men sleeping off their liquor, the restless figures that haunted the shadows, the white

faces peering out of the gloom. The smell that came from within was beginning to sicken her.

"Oh, Archie," she said, "it must be awful in there!"

Archie became suddenly enraged.

"Awful?" he said. "It's hell! This place ain't fit for a dog to stay in. Why, Gusta, it's alive—it's crawlin'! That's what it is! I didn't sleep a wink last night! Not a wink! Say, Gusta," he grasped the bars, pressed his face against them, "see Mr. Marriott and tell him to get me out of here. Will you? See him, will you?"

"I will, Archie," she said. "I'll go right away."

She was eager now to leave, for she had already turned sick with loathing.

"And say, Gusta," Archie said, "get me some cigarettes and send 'em down by Marriott."

"All right," she said. She was backing away.

"Good-by," he called. The turnkey was locking the door on him.

Outside, Gusta leaned a moment against the wall of the building, breathing in the outdoor air; presently she went on, but it was long before she could cleanse her mouth of the taste or her nostrils of the odor of the foul air of that prison in which her brother was locked.

XII

Gusta hurried out of the alley as fast as she could go; she wished to get away from the police station, and to forget the faces of those men in prison. It was now nine o'clock and the activity of the Market was waning; the few gardener's wagons that lingered with the remnants of their loads were but a suggestion of the hundreds of wagons that had packed the square before the dawn. Under the shed, a block long, a constable was offering at public vendue the household goods of some widow who had been evicted; the torn and rusty mattresses, broken chairs and an old bed were going for scarcely enough to pay the costs; a little, blue-bearded man, who had forced the sale, stood by sharply watching, ready to bid the things in himself if the dealers in second-hand furniture should not offer enough. Gusta hurried on, past butcher-shops, past small saloons, and she hurried faster because every one —the policemen, the second-hand dealers, the drivers of the market-wagons, the butchers in their blood-stained smock frocks—turned to look at her. It was three blocks to the Wayne Building, rearing its fifteen stories aloft from the roaring tide of business at its feet, and Gusta was glad to lose herself in the crowds that swarmed along the street.

The waiting-room of Marriott's office was filled; the door which was lettered with his name was closed, and

Gusta had to wait. She joined the group that sat silent in the chairs along the walls, and watched the girl with the yellow hair at the typewriter. The girl's white fingers twinkled over the keys; the little bell tinkled and the girl snatched back the carriage of the machine with a swift grating sound; she wrote furiously, and Gusta was fascinated. She wished she might be a typewriter; it must be so much easier to sit here in this pleasant, sunlit office, high above the cares and turmoil of the world, and write on that beautiful machine; so much easier than to toil in a poor, unhappy home with a mother ill, a father maimed and racked by pains so that he was always morose and cross, a brother in jail, and always work—the thankless task of washing at a tub, of getting meals when there was little food to get them with. Gusta thought she might master the machine, but no—her heart sank—she could not spell nor understand all the long words the lawyers used, so that was hopeless.

After a while the door marked "Mr. Marriott" opened, and a man stepped out, a well-dressed man, with an air of prosperousness; he glanced at the yellow-haired typewriter as he passed out of the office. Marriott was standing in his door, looking at the line of waiting clients; his face was worn and tired. He seemed to hesitate an instant, then he nodded to one of the waiting women, and she rose and entered the private office. Just as Marriott was closing the door, he saw Gusta and smiled, and Gusta was cheered; it was the first friendly smile she had seen that day.

She had to wait two hours. The men did not detain Marriott long, but the women remained in his private office an interminable time, and whenever he opened

his door to dismiss one of them, he took out his watch and looked at it. At last, however, when all had gone, he said:

"Well, Gusta, what can I do for you?" He dropped into his chair, swung round to face her, rested one elbow on the top of the desk and leaned his head in his hand.

"I came to see about Archie."

Marriott felt the deadly ennui that came over him at the thought of these petty criminal cases. The crimes were so small, so stupid, and so squalid, they had nothing to excuse them, not even the picturesque quality of adventure that by some sophistry might extenuate crimes of a more enterprising and dangerous class. They were so hopeless, too, and Marriott could hardly keep a straight face while he defended the perpetrators, and yet he allowed himself to be drawn into them; he found himself constantly pleading for some poor devil who had neither money to pay him nor the decency to thank him. Sometimes he wondered why he did it, and whenever he wondered he decided that he would never take another such case. Then the telephone would ring, and before he knew it he would be in police court making another poor devil's cause his own, while more important litigation must wait—for the petty criminals were always in urgent need; the law would not stay for them nor abide their convenience; with them it was imperative, implacable, insistent, as if to dress the balance for its delay and complaisance with its larger criminals. Marriott often thought it over, and he had thought enough to recognize in these poor law-breakers a certain essential innocence; they were so sublimely foolish, so illogical, they made such lavish sacrifice

of all that was best in their natures; they lived so hardly, so desperately; they paid such tremendous prices and got so little; they were so unobservant, they learned nothing by experience. And yet with one another they were so kind, so considerate, so loyal, that it seemed hard to realize that they could be so unkind and so disloyal to the rest of mankind. In his instinctive love of human nature, their very hopelessness and helplessness appealed to him.

"Mr. Marriott, do you think he is guilty?" Gusta was asking.

"Guilty?" said Marriott, automatically repeating the word. "Guilty? What difference does that make?"

"Oh, Mr. Marriott!" the girl exclaimed, her blue eyes widening. "Surely, it makes all the difference in the world!"

"To you?"

"Why—yes—shouldn't it?"

"No, it shouldn't, Gusta, and what's more, it doesn't. And it doesn't to me, either. You don't want him sent to prison even if he is guilty, do you?"

"N—no," Gusta hesitated as she assented to the heresy.

"No, of course you don't. Because, Gusta, we know him—we know he's all right, don't we, no matter what he has done? Just as we know that we ourselves are all right when we do bad things—isn't that it?"

The girl was sitting with her yellow head bent; she was trying to think.

"But father would say—"

"Oh, yes," Marriott laughed, "father would say and grandfather would say, too—that's just the trouble. Father got his notions from the Old World, but we—

Gusta, we know more than father or grandfather in this country."

Marriott enjoyed the discomfiture that Gusta plainly showed in her inability to understand in the least what he was saying. He felt a little mean about it, for he recognized that he was speaking for his own benefit rather than for hers; he had wished Elizabeth might be there to hear him.

"I don't know much about it, Mr. Marriott," Gusta said presently, "but when will you go to see him?"

"Oh, I'll try to get down this afternoon."

"All right. He told me to ask you please to bring him some cigarettes. Of course," she was going on in an apologetic tone, but Marriott cut her short:

"Oh, he wants cigarettes? Well, I'll take them to him."

Then they talked the futilities which were all such a case could inspire, and Marriott, looking at his watch, made Gusta feel that she should go. But the world wore a new aspect for her when she left Marriott's office. The spring sun was warm now, and she felt that she had the right to glory in it. The crowds in the streets seemed human and near, not far away and strange as they had been before; she felt that she had somehow been restored to her own rights in life. She had not understood Marriott's philosophy in the least, but she went away with the memory of his face and the memory of his smile; she could not realize her thoughts; it was a feeling more than anything else, but she knew that here was one man, at least, who believed in her brother, and it seemed that he was determined to believe in him no matter what the brother did; and

Elizabeth saw that her tears were falling *Page 105*

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he believed in her, too, and this was everything—this made the whole world glad, just as the sun made the whole world glad that morning.

But Gusta's heart sank at the thought of going home; there was nothing there now but discord and toil. The excitement, the change of the morning, the little interview with Marriott, had served to divert her, and now the thought of returning to that dull and wearisome routine was more than ever distasteful. It was nearly noon, and she would be expected, but she did not like to lose these impressions, and she did not like to leave this warm sunshine, these busy, moving streets, this contact with active life, and so she wandered on out Claybourne Avenue. There was slowly taking form within her a notion of eking out her pleasure by going to see Elizabeth Ward, but she did not let the thought wholly take form; rather she let it lie dormant under her other thoughts. She walked along in the sunlight and looked at the automobiles that went trumpeting by, at the carriages rolling home with their aristocratic mistresses lolling on their cushions. Gusta found a pleasure in recognizing many of these women; she had opened the Wards' big front door to them, she had served them with tea, or at dinner; she had heard their subdued laughter; she had covertly inspected their toilets; some of them had glanced for an instant into her eyes and thanked her for some little service. And then she could recall things she had heard them say, bits of gossip, or scandal, some of which gave her pleasure, others feelings of hatred and disgust. A rosy young matron drove by in a phaëton, with her pretty children piled about her feet, and the sight

pleased Gusta. She smiled and hurried on with quickened step.

At last she saw the familiar house, and then to her joy she saw Elizabeth on the veranda, leaning against one of the pillars, evidently taking the air, enjoying the sun and the spring. Elizabeth saw Gusta, too, and her eyes brightened.

"Why, Gusta!" she said. "Is that you?"

Gusta stood on the steps and looked up at Elizabeth. Her face was rosy with embarrassment and pleasure. Elizabeth perched on the rail of the veranda and examined the vine of Virginia roses that had not yet begun to put forth.

"And how are you getting along?" she said. "How are they all at home?"

Gusta told her of her father and of her mother and of the children.

Elizabeth tried to talk to her; she was fond of her, but there seemed to be nothing to talk about. She knew, too, how Gusta adored her, and she felt that she must always retain this adoration, and constantly prove her kindness to Gusta. But the conversation was nothing but a series of questions she extorted from herself by a continued effort that quickly wearied her, especially as Gusta's replies were delivered so promptly and so laconically that she could not think of other questions fast enough. At last she said:

"And how's Archie?"

And then instantly she remembered that Archie was in prison. Her heart smote her for her thoughtlessness. Gusta's head was hanging.

"I've just been to see him," she said.

"I wished to hear of him, Gusta," Elizabeth said,

trying by her tone to destroy the quality of her first question. "I spoke to Mr. Marriott about him—I'm sure he'll get him off."

Gusta made no reply, and Elizabeth saw that her tears were falling.

"Come, Gusta," she said sympathetically, "you mustn't feel bad."

The girl suddenly looked at her, her eyes full of tears.

"Oh, Miss Elizabeth," she said, "if you could only know! To see him down there—in that place! Such a thing never happened to us before!"

"But I'm sure it'll all come out right in the end—I'm sure of that. There must have been some mistake. Tell me all about it."

And then Gusta told her the whole story.

"You don't know how it feels, Miss Elizabeth," she said when she had done, "to have your own brother—such a thing couldn't happen to you—here." Gusta glanced about her, taking in at a glance, as it were, the large house, and all its luxury and refinement and riches, as if these things were insurmountable barriers to such misfortune and disgrace.

Elizabeth saw the glance, and some way, suddenly, the light and warmth went out of the spring day for her. The two girls looked at each other a moment, then they looked away, and there was silence. Elizabeth's brows were contracted; in her eyes there was a look of pain.

When Gusta had gone Elizabeth went indoors, but her heart was heavy. She tried to throw off the feeling, but could not. She told herself that it was her imagination, always half morbid, but this did not satisfy her.

She was silent at the luncheon-table until her mother said:

"Elizabeth, what in the world ails you?"

"Oh, nothing."

"I know something does," insisted Mrs. Ward.

Elizabeth, with her head inclined, was outlining with the prong of a fork the pattern on the salad bowl.

"Gusta has been here, telling me her troubles."

"Oh, that's it, is it?" said Mrs. Ward.

"You know her brother has been arrested."

"What for?"

"Stealing."

"Indeed! Well! I do wish she'd keep away! I'm sure I don't know what we've done that we should have such things brought into our house!"

"But it's too bad," said Elizabeth. "The young man—"

"Yes, the young man! If he'd go to work and earn an honest living, he wouldn't be arrested for stealing!"

"I was just thinking—" Elizabeth finished the pattern on the salad bowl and inclined her head on the other side, as if she had really designed the pattern and were studying the effect of her finished work,—"that if Dick—"

"Why, Elizabeth!" Mrs. Ward cried. "How can you say such a thing?"

Elizabeth smiled, and the smile irritated her mother.

"I'm sure it's entirely different!" Mrs. Ward went on. "Dick does not belong to that class at all!"

XIII

The truth was that Elizabeth had been worried for days about Dick. A few evenings before, Ward, who took counsel of his daughter rather than of his wife in such affairs, had told her of his concern about his son.

"I don't know what to do with the boy," he had said. "He seems to have no interest in anything; he tired of school, and he tired of college; and now he is of age and—doing nothing."

She remembered how he had sat there, puffing at his cigar as if that could assist him to some conclusion.

"I tried him in the office for a while, you know, but he did not seem to take it seriously—of course, it wasn't really serious; the work went on as well without him as with him. I guess he knew that."

Elizabeth sat and thought, but the problem which her father had put to her immediately overpowered her; there seemed to be no solution at all—she could not even arrange its terms in her mind, and she was silent, yet her silence was charged with sympathy.

"I've talked to him, but that does no good. I've pleaded with him, but that does no good. I tried giving him unlimited money, then I put him on an allowance, then I cut him off altogether—it was just the same."

Ward smoked a moment in silence.

"I've thought of every known profession. He says he doesn't want to be a lawyer or a doctor; he has no

taste for mechanics, and he seems to have no interest in business. I've thought of sending him abroad, or out West, but he doesn't want to do that."

And again the silence and the smoking and the pain.

"He's out to-night—where, I don't know. I don't want to know—I'm afraid to know!"

There was something wild, appealing and pathetic in this cry wrung from a father's heart. Elizabeth had looked up quickly, her own heart aching with pity. She recalled how he had said:

"Your mother—she doesn't understand; I don't know that I want her to; she idolizes the boy; she thinks he can't do wrong."

And then Elizabeth had slipped her arm about his neck, and, leaning over, had placed her cheek against his; her tears had come, and she had felt that his tears had come; he had patted her hand. They had sat thus for a long while.

"Poor boy!" Ward had said again. "He's only making trouble for himself. I'd like to help him, but somehow, Bess, I can't get next to him; when I try to talk to him, when I try to be confidential and all that—something comes between us, and I can't say it right. I can't talk to him as I could to any other man. I don't know why it is; I sometimes think that it's all my fault, that I haven't reared him right, that I haven't done my duty by him, and yet, God knows, I've tried!"

"Oh, papa," she had replied protestingly, "you mustn't blame yourself—you've done everything."

"He's really a good boy," Ward had gone on irrelevantly, ignoring himself in his large, unselfish thought for his son. "He's kind and generous, and he means well enough—and—and—I think he likes me."

This had touched her to the quick, and she had wept softly, stroking her father's cheek.

"Can't you—couldn't you—" he began. "Do you think you could talk to him, Bess?"

"I'll try," she said, and just then her brother had come into the room, rosy and happy and unsuspecting, and their confidences were at an end.

Ward did not realize, of course, that in asking Elizabeth to speak to Dick he was laying a heavy burden on her. She had promised her father in a kind of pity for him, a pity which sprang from her great love; but as she thought it over, wondering what she was to say, the ordeal grew greater and greater—greater than any she had ever had to encounter. For several days she was spared the necessity of redeeming her promise, for Dick was so little at home, and fortunately, as Elizabeth felt, when he was there the circumstances were not propitious. Then she kept putting it off, and putting it off; and the days went by. Her father had not recurred to the subject; having once opened his heart, he seemed suddenly to have closed it, even against her. His attitude was such that she felt she could not talk the matter over with him; if she could she might have asked him to give her back her promise. She could not talk it over with her mother, and she longed to talk it over with some one. One evening she had an impulse to tell Marriott about it. She knew that he could sympathize with her, and, what was more, she knew that he could sympathize with Dick, whereas she could not sympathize with Dick at all. Though she laughed, and sang, and read, and talked, and drove, and lived her customary life, the subject was always in her thoughts. Finally she discovered that she was adopting little subterfuges

in order to evade it, and she became disgusted with herself. She had morbid fears that her character would give way under the strain. At night she lay awake waiting, as she knew her father must be waiting, for the ratchet of Dick's key in the night-latch.

In the many different ways she imagined herself approaching the subject with Dick, in the many different conversations she planned, she always found herself facing an impenetrable barrier—she did not know with what she was to reproach him, with what wrong she was to charge him. She conceived of the whole affair, as the Anglo-Saxon mind feels it must always deal with wrong, in the forensic form—indictment, trial, judgment, execution. But after all, what had Dick done? As she saw him coming and going through the house, at the table, or elsewhere, he was still the same Dick—and this perplexed her; for, looking at him through the medium of her talk with her father, Dick seemed to be something else than her brother; he seemed to have changed into something bad. Thus his misdeeds magnified themselves to her mind, and she thought of them instead of him, of the sin instead of the sinner.

That night Dick did not come at all. In the morning when her father appeared, Elizabeth saw that he was haggard and old. As he walked heavily toward his waiting carriage, her love and pity for him received a sudden impetus.

Dick did not return until the next evening, and the following morning he came down just as his father was leaving the house. If Ward heard his son's step on the stairs, he did not turn, but went on out, got into his brougham, and sank back wearily on its cushions. It

happened that Elizabeth came into the hall at that moment; she saw her father, and she saw her brother coming down the stairs, dressed faultlessly in new clothes and smoking a cigarette. As Elizabeth saw him, so easy and unconcerned, her anger suddenly blazed out, her eyes flashed, and she took one quick step toward him. His fresh, ruddy face wore a smile, but as she confronted him and held out one arm in dramatic rigidity and pointed toward her father, Dick halted and his smile faded.

"Look at him!" Elizabeth said, pointing to her father. "Look at him! Do you know what you're doing?"

"Why, Bess"—Dick began, surprised.

"You're breaking his heart, that's what you're doing!"

She stood there, her eyes menacing, her face flushed, her arm extended. The carriage was rolling down the drive and her father had gone, but Elizabeth still had the vision of his bent frame as he got into his carriage.

"Did you see him?" she went on. "Did you see how he's aging, how much whiter his hair has grown in the last few weeks, how his figure has bent? You're killing him, that's what you're doing, killing him inch by inch. Why can't you do it quick, all at once, and be done with it? That would be kinder, more merciful!"

Her lip curled in sarcasm. Dick stood by the newel-post, his face white, his lips open as if to speak.

"You spend your days in idleness and your nights in dissipation. You won't work. You won't do anything. You are disgracing your family and your name. Can't you see it, or won't you?"

"Why, Bess," Dick began, "what's the—"

She looked at him a moment; he was like her mother,

so good-natured, so slow to anger. His attitude, his expression, infuriated her; words seemed to have no effect, and in her fury she felt that she must make him see, that she must force him to realize what he was doing—force him to acknowledge his fault—force him to be good.

"Of course, you'd just stand there!" she said. "Why don't you say something? You know what you're doing—you know it better than I. I should think you'd be ashamed to look a sister in the face!"

Dick had seen Elizabeth angry before, but never quite like this. Slowly within him his own anger was mounting. What right, he thought, had she to take him thus to task—him, a man? He drew himself up, his face suddenly lost its pallor and a flush of scarlet mottled it. Strangely, in that same instant, Elizabeth's face became very white.

"Look here," he said, speaking in a heavy voice, "I don't want any more of this from you!"

For an instant there was something menacing in his manner, and then he walked away and left her.

Elizabeth stood a moment, trembling violently. He had gone into the dining-room; he was talking with his mother in low tones. Elizabeth went up the stairs to her room and closed the door, and then a great wave of moral sickness swept over her. She sat down, trying to compose herself, trying to still her nerves. The whole swift scene with her brother flashed before her in all its squalor. Had she acted well or rightly? Was her anger what is called a righteous indignation? She was sure that she had acted for the best, for her father in the first place, and for Dick more than all, but it was suddenly revealed to her that she had failed; she had

not touched his heart at all; she had expended all her force, and it was utterly lost; she had failed—failed. This word repeated itself in her brain. She tried to think, but her brain was in turmoil; she could think but one thing—she had failed. She bent her head and wept.

XIV

Archie Koerner and Spud Healy and the others of the gang lay in prison for a week; each morning they were taken with other prisoners to the bull-pen, and there they would stand—for an hour, two hours, three hours—and look through the heavy wire screen at officers, lawyers, court attachés, witnesses and prosecutors who passed and repassed, peering at them as at caged animals, some curiously, some in hatred and revenge, some with fear, now and then one with pity. The session would end, they would be taken downstairs again—the police were not yet ready. But finally, one Saturday morning, they were taken into the courtroom and arraigned. Bostwick, the judge, heard a part of the evidence; it was nearly noon, and court never sat on Saturday afternoons. Bostwick and the prosecutor both were very anxious to get away for their half-holiday. The session had been long and trying, the morning was sultry, a summer day had fallen unexpectedly in the midst of the spring. Bostwick was uncomfortable in his heavy clothes. He hurried the hearing and sent them all to the workhouse for thirty days, and fined them the costs. Marriott had realized the hopelessness of the case from the first; even he was glad the hearing was over, glad to have Archie off his mind.

The little trial was but a trivial incident in the life of

the city; Bostwick and the prosecutor, to whom it was but a part of the day's work, forgot it in the zest of ordering a luncheon; the police forgot it, excepting Kouka, who boasted to the reporters and felt important for a day. Frisby, a little lawyer with a catarrhal voice, thought of it long enough to be thankful that he had demanded his fee in advance from the mother of the boy he had defended—it took her last cent and made her go hungry over Sunday. Back on the Flats, in the shadow of the beautiful spire of St. Francis, there were cries, Gaelic lamentations, keening, counting of beads and prayers to the Virgin. The reporters made paragraphs for their newspapers, writing in the flippant spirit with which they had been taught to treat the daily tragedies of the police court. Some people scanned the paragraphs, and life passed by on the other side; the crowds of the city surged and swayed, and Sunday dawned with the church-bells ringing peacefully.

The Koerner family had the news that evening from Jerry Crowley, the policeman who had recently been assigned to that beat, his predecessor, Miller, having been suspended for drunkenness. Crowley had had a hard time of it ever since he came on the beat. The vicinity was German and he was Irish, and race hatred pursued him daily with sneers, and jibes, and insults, now and then with stones and clods. The children took their cue from the gang at Nussbaum's; the gang made his life miserable. Yet Crowley was a kindly Irishman, with many a jest and joke, and a pleasant word for every one. Almost anybody he arrested could get Crowley to let him go by begging hard enough. On the warm evenings Koerner would sit on the stoop,

and Crowley, coming by, would stop for a dish of gossip.

"Oh, come now, Mr. Koerner," he said that Saturday night, after he had crudely told the old German of his son's fate, "I wouldn't take it that hard; shure an' maybe it's good 'twill be doin' the lad an' him needin' it the way he does."

Officer Crowley was interrupted in his comforting by a racket at the corner—the warm, soft nights were bringing the gang out, and he went away to wage his hopeless battle with it. When he returned, old man Koerner had gone indoors.

Gusta shared all her father's humiliation and all her mother's grief at Archie's imprisonment. She felt that she should visit her brother in prison, but it was a whole week before she could get away, and then on a brilliant Sunday afternoon she went to the workhouse. The hideous prison buildings were surrounded by a high fence, ugly in its dull red paint; the office and the adjoining quarters where the superintendent lived had a grass plot in which some truckling trusty had made flower-beds to please the superintendent's wife. In the office an old clerk, in a long black coat, received Gusta solemnly. He was sitting, from the habit of many years, on the high stool at the desk where he worked; ordinarily he crouched over his books in the fear that political changes would take his job from him; now a Sunday paper, which the superintendent and his family had read and discarded, replaced the sad records, but he bent over this none the less timidly. After a long while an ill-natured guard, whose face had grown particularly sinister and vicious in the business, ordered Gusta to follow him, and led her back into the building.

Reluctantly he unlocked doors and locked them behind her, and Gusta grew alarmed. Once, waiting for him to unlock what proved to be a final door, he waited while a line of women, fourteen or fifteen of them, in uniform of striped gingham, went clattering up a spiral iron stairway; two or three of the women were negresses. They had been down to the services some Christian people had been holding for the inmates, preaching to them that if they believed on Jesus they would find release, and peace, and happiness. These people, of course, did not mean release from the workhouse, and the peace and happiness, it seemed, could not come until the inmates died. So long as they lived, their only prospect seemed to be unpaid work by day, bread and molasses to eat, and a cell to sleep in at night, with iron bars locking them in and armed men to watch them. However, the inmates enjoyed the services because they were allowed to sing.

After the women disappeared, Gusta stood fearfully before a barred door and looked down into a cell-house. The walls were three stories high, and sheer from the floor upward, with narrow windows at the top. Inside this shell of brick the cells were banked tier on tier, with dizzy galleries along each tier. Though Gusta could see no one, she could hear a multitude of low voices, like the humming of a bee-hive—the prisoners, locked two in each little cell, were permitted to talk during this hour. The place was clean, but had, of course, the institutional odor. The guard called another guard, and between them they unlocked several locks and threw several levers; finally a cell-door opened—and Gusta saw Archie come forth. He wore a soiled ill-fitting suit of gray flannel with wide horizontal

stripes, and his hair had been clipped close to his head. The sight so confused and appalled Gusta that she could not speak, and the guard, standing suspiciously by her side to hear all that was said, made it impossible for her to talk. The feeling was worse than that she had had at the police station when an iron door had thus similarly separated her from her brother.

Archie came close and took hold of the bars with both his hands and peered at her; he asked her a few questions about things at home, and charged her with a few unimportant messages and errands. But she could only stand there with the tears streaming down her face. Presently the guard ordered Archie back to his cell, and he went away, turning back wistfully and repeating his messages in a kind of desperate wish to connect himself with the world.

When Gusta got outside again, she determined that she would not go home, for there the long shadow of the prison lay. She did not know where to go or what to do, but while she was trying to decide she heard from afar the music of a band—surely there would be distraction. So she walked in the direction of the music. About the workhouse, as about all prisons, were the ramshackles of squalid poverty and worse; but little Flint Street, along which she took her way, began to pick up, and she passed cottages, painted and prim, where workmen lived, and the people she saw, and their many children playing in the street, were well dressed and happy. It seemed strange to Gusta that any one should be happy then. When suddenly she came into Eastend Avenue, she knew at last where she was and whence the music came; she remembered that Miami Park was not far away. The avenue was

crowded with vehicles, not the stylish kind she had been accustomed to on Claybourne Avenue, but buggies from livery-stables, in which men drove to the road-houses up the river, surreys with whole families crowded in them, now and then some grocer's or butcher's delivery wagon furnished with seats and filled with women and children. The long yellow trolley-cars that went sliding by with incessant clangor of gongs were loaded; the only signs of the aristocracy Gusta once had known were the occasional automobiles, bound, like the Sunday afternoon buggy-riders, up the smooth white river road.

Eastend Avenue ran through the park, and just before it reached that playground of the people it was lined with all kinds of amusement pavilions, little vaudeville shows, merry-go-rounds, tintype studios, shooting galleries, pop-corn and lemonade stands, public dance halls where men and girls were whirling in the waltz. On one side was a beer-garden. All these places were going noisily, with men shouting out the attractions inside, hand-organs and drums making a wild, barbaric din, and in the beer-garden a German band braying out its meretricious tunes. But at the beginning of the park a dead-line was invisibly drawn—beyond that the city would not allow the catch-penny amusements to go. On one side of the avenue the park sloped down to the river, on the other it stretched into a deep grove. The glass roof of a botanical house gleamed in the sun, and beyond, hidden among the trees, were the zoölogical gardens, where a deer park, a bear-pit, a monkey house, and a yard in which foxes skulked and racoons slept, strove with their mild-mannered exhibits for the beginnings

of a menagerie. And everywhere were people strolling along the walks, lounging under the trees, hundreds of them, thousands of them, dressed evidently in their best clothes, seeking relief from the constant toil that kept their lives on a monotonous level.

Gusta stood a while and gazed on the river. On the farther shore its green banks rose high and rolled away with the imagination into woods and fields and farms. Here and there little cat-boats moved swiftly along, their sails white in the sun; some couples were out in rowboats. But as Gusta looked she suddenly became self-conscious; she saw that, of all the hundreds, she was the only one alone. Girls moved about, or stood and talked and giggled in groups, and every girl seemed to have some fellow with her. Gusta felt strange and out of place, and a little bitterness rose in her heart. The band swelled into a livelier, more strident strain, and Gusta resented this sudden burst of joyousness. She turned to go away, but just then she saw that a young man had stopped and was looking at her. He was a well-built young fellow, as strong as Archie; he had dark hair and a small mustache curled upward at the corners in a foreign way. His cheeks were ruddy; he carried a light cane and smoked a cigar. When he saw that Gusta had noticed him he smiled and Gusta blushed. Then he came up to her and took off his hat.

"Are you taking a walk?" he asked.

"I was going home," Gusta replied. She wondered how she could get away without hurting the young man's feelings, for he seemed to be pleasant, harmless and well meaning.

"It's a fine day," he said. "There's lots o' people out."

"Yes," said Gusta.

"Where 'bouts do you live?"

"On Bolt Street."

"Oh, I live out that way myself!" said the young man. "It's quite a ways from here. Been out to see some friends?"

"Yes." Gusta hesitated. "I had an errand to do out this way."

"Don't you want to go in the park and see the zoo? There's lots of funny animals back there." The young man pointed with his little cane down one of the gravel walks that wound among the trees. Gusta looked, and saw the people—young couples, women with children, and groups of young men, sauntering that way. Then she looked at the street-cars, loaded heavily, with passengers clinging to the running-boards; she was tempted to go, but it was growing late.

"No, thanks," she said, "I must be going home now."

"Are you going to walk or take the car?" asked the young man.

"I'll walk, I guess," she said; and then, lest he think she had no car fare, she added: "the cars are so crowded."

She started then, and was surprised when the young man naturally walked along by her side, swinging his cane and talking idly to her. At first she was at a loss whether to let him walk with her or not; she had a natural fear, a modesty, the feminine instinct, but she did not know just how to dismiss him. She kept her face averted and her eyes downcast; but finally, when

her fears had subsided a little, she glanced at him occasionally; she saw that he was good-looking, and she considered him very well dressed. He had a gold watch chain, and when she asked him what time it was he promptly drew out a watch. Their conversation, from being at the first quite general, soon became personal, and before they had gone far Gusta learned that the young man's name was Charlie Peltzer, that he was a plumber, and that sometimes he made as much as twenty dollars a week. By the time they parted at the corner near Gusta's home they felt very well acquainted and had agreed to meet again.

After that they met frequently. In the evening after supper Gusta would steal out, Peltzer would be waiting for her at the corner, and they would stroll under the trees that were rapidly filling with leaves. Once, passing Policeman Crowley, Gusta saw him looking at them narrowly. There was a little triangular park not far from Gusta's home, and there the two would sit all the evening. The moon was full, the nights were soft and mild and warm. On Sundays they went to the park where they had met, and now and then they danced in the public pavilion. But Gusta never danced with any of the other men there, nor did Peltzer dance with any of the other girls; they danced always together, looking into each other's eyes. Now she could endure the monotony and the drudgery at home, the children's peevishness, her mother's melancholy, her father's querulousness. Even Archie's predicament lost its horror and its sadness for her. She had not yet, however, told Peltzer, and she felt ashamed of Archie, as if, in creating the possibility of compromising her, he had done her a wrong. She went about in a dream,

thinking of Peltzer all the time, and of the wonderful thing that had brought all this happiness into her life.

Gusta had not, however, as yet allowed Peltzer to go home with her; he went within half a block of the house, and there, in the shadow, they took their long farewell. But Peltzer was growing more masterful; each night he insisted on going a little nearer, and at last one night he clung to her, bending over her, looking into her blue eyes, his lips almost on hers, and before they were aware they were at her door. Gusta was aroused by Crowley's voice. Crowley was there with her father, telling him again the one incident in all his official career that had distinguished him for a place in the columns of the newspapers. He was just at the climax of the thrilling incident, and they heard his voice ring out:

"An' I kept right on toowards him, an' him shootin' at me breasht four toimes—"

He had got up, in the excitement he so often evoked in living over that dramatic moment again, to illustrate the action, and he saw Gusta and Charlie. Peltzer stopped, withdrew his arm hurriedly from Gusta's waist, and then Crowley, forgetting his story, called out:

"Oh-ho, me foine bucko!"

Then Koerner saw Gusta, and, forgetting for a moment, tried to rise to his feet, then dropped back again.

"Who's dot feller mit you, huh? Who's dot now?" he demanded.

"Aw, tut, tut, man," said Crowley. "Shure an' the girl manes no harm at all—an' the laad, he's a likely wan. Shure now, Misther Koerner, don't ye be haard on them—they're that young now! An' 'tis the spring,

do ye moind—and it's well I can see the phite flower on the thorn tra in me ould home these days!"

Gusta's heart and Peltzer's heart warmed to Crowley, but old Koerner said:

"In mit you!"

And she slipped hurriedly indoors.

But nothing could harm her now, for the world had changed.

XV

Archie Koerner served his thirty days in the workhouse, then, because he was in debt to the State for the costs and had no money with which to pay the debt, he was kept in prison ten days longer, although it was against the constitution of that State to imprison a man for debt. Forty days had seemed a short time to Bostwick when he pronounced sentence; had he chosen, he might have given Archie a sentence, in fine and imprisonment, that would have kept him in the workhouse for two years; he frequently did this with thieves. These forty days, too, had been brief to Marriott, and to Eades, and they had been brief to Elizabeth, who had found new happiness in the fact that Mr. Amos Hunter had given Dick a position in the banking department of his Title and Trust Company. These forty days, in fact, had passed swiftly for nearly every one in the city, because they were spring days, filled with warm sunshine by day, and soft and musical showers by night. The trees were pluming themselves in new green, the birds were singing, and people were happy in their release from winter; they were busied about new clothes, with riding and driving, with plans for summer vacations and schemes for the future; they were all imbued with the spirit of hope the spring had brought to the world again. To Gusta, too, in her love, these days had passed swiftly, like a hazy, golden dream.

But to Archie these forty days had not been forty days at all, but a time of infinite duration. He counted each day as it dragged by; he counted it when he came from his bunk in the morning; he counted it every hour during the long day's work over the hideous bricks he could find no joy in making; he counted it again at evening, and the last thing before he fell asleep. It seemed that forty days would never roll around.

They did pass finally, and a morning came when he could leave the comrades of his misery. He felt some regret in doing this; many of them had been kind to him, and friendships had been developed by means of whispers and signs, but more by the silent influence of a common suffering. He had quarreled and almost fought with some of them, for the imprisonment had developed the beast that was in them, and had made many of them morose, ugly, suspicious, dangerous, filling them with a kind of moral insanity. But he forgot all these enmities in the joy of his release, and he bade his friends good-by and wished them luck. In the superintendent's office they gave him back his clothes, and he went out again into the world.

It was strange to be at liberty again. His first unconscious impulse was to take up his life where he had left it off, but he did not know how to do this. For behind him stretched an unknown time, a blank, a break in his existence, which refused to adjust itself to the rest of his life; it bore no relation to that existence which was himself, his being, and yet it was there. The world that knew no such blank or break had gone on meanwhile and left him behind, and he could not catch up now. He was like a man who had been unconscious and had awakened with a blurred conception

of things; it was as if he had come out of a profound anæsthesia, to find that he had been irrevocably maimed by some unnecessary operation in surgery.

Archie did not, of course, realize all this clearly; had he been able to do so, he might have avoided some of the consequences. But he had a troubled sense of change, and he was to learn it and realize it fully only by a slow, torturing process, a bit at a time. He had the first sensation of this change in the peculiar gleam that came into the eye of a policeman he passed in Market Place, and he felt it, too, when, half fearfully, he presented himself at the back door of his home. His father's fury had long since abated, but he showed that he could not look on Archie as he once had done, and Gusta showed it, too. Bostwick may have thought he had sentenced Archie to forty days in prison, but he had really sentenced him to a lifetime in prison; for the influences of those forty days could never leave Archie now; the shadows of that prison were ever lengthening, and they were for evermore to creep with him wherever he went, keeping him always within their shades. He was thereafter to be but an umbra at the feast of life.

Archie could not think of the whole matter very clearly; of the theft of which he had been convicted he scarcely thought at all. The change that came in the world's attitude toward him did not seem to be concerned with that act; it was never mentioned or even suggested to him at home or elsewhere. The thing that marked him was not the fact that he had been a thief, but that he had been a prisoner. When he did think of the theft, he told himself that he had paid for that; the score had been wiped out; the world had taken its revenge on him. This revenge was expressed

by the smile that lit up the face of the grocer whose herrings had been stolen; it had been shown in the satisfaction of the prosecutor when the judge announced his finding; it had been expressed by the harshness of the superintendent and the guards at the workhouse; it was shown even by the glance of that policeman he met in the Market. The world had wreaked its vengeance on him, and Archie felt that it should be satisfied now.

There was but one place now where the atmosphere lacked the element of suspicion and distrust, but one place where he was not made to feel the barrier that separated him from other men, and that was with the gang. The gang welcomed him with a frank heartiness; they showed almost the same eagerness and pleasure in him that they showed in welcoming Spud and the others. There was balm in their welcome; they asked no questions, they drew no distinctions; to them he was the same old Archie, only grown nearer because now he could unite with them in experience—they all had those same gaps in their lives.

That afternoon they celebrated with cans of beer in the shade of a lumber pile, and that night the gang went down the line. Having some money, they were welcome in all the little saloons, and the girls in short dresses, who stood about the bars rolling cigarettes constantly, were glad to see them. And Archie found that no questions were asked here, that no distinctions were made even when respected, if not respectable, men appeared, even when the prosecutor of the police court came along with a companion, and spent a portion of the salary these people contributed so heavily to pay, even when the detectives came and received the tribute

money. And it dawned on Archie that here was a little quarter of the world where he was wanted, where he was made to feel at home, where that gap in his life made no difference. It was a small quarter, covering scarcely more than a dozen blocks. It was filled with miserable buildings, painted garishly and blazing with light; there was ever the music of pianos and orchestras, and in the saloons that were half theaters, bands blared out rapid tunes. And here was swarming life; here, in the midst of death. But it was an important quarter of the town; in rents and dividends and fines it contributed largely of the money it made at such risk and sacrifice of body and of soul, to all that was accounted good and great in the city. It helped to pay the salaries of the mayor and the judges and the prosecutors and the clerks and the detectives and the policemen; some of its money went to support in idleness and luxury many dainty and exclusive women in Claybourne Avenue, to build enormous churches, to pay for stained-glass windows with pictures of Christ and the Magdalene, pictures that in soft artistic hues lent a gentle religious and satisfying melancholy to the ladies and gentlemen who sat in their pews on Sundays; it even helped to send missionaries to far countries like Japan and China and India and Africa, in order that the heathen who lived there might receive the light of the Cross.

While in the workhouse Archie had occupied the same cell with a man called Joseph Mason, which was not his name. The prison was crowded, and it was necessary for the prisoners to double up. The cells were narrow and had two bunks, one above and the other below—there was as much room as there is in a

section of a sleeping-car. In these cells the men slept and ate and lived, spending all the time they did not pass at labor in the brick-yard. During those forty days Archie became well acquainted with Mason; they sat on their little stools all day Sunday and talked, and when they climbed into their bunks at night they whispered. They shared with each other their surreptitious matches and tobacco—all they had.

This man Mason was nearly fifty years old. His close-cropped hair and his close-shaven beard gave his head and cheeks and lips a uniform color of dark blue; his lips were thin and compressed from a habit of taciturnity, his eyes were small, bright and alert; at any sound he would turn quickly and glance behind him. He had spent twenty years in prison—ten years in Dannemora, five in Columbus, three in Allegheny and two in Joliet. This, however, did not include the time he had been shut up in police stations, calabooses, county jails and workhouses. In the present instance he had been arrested for pocket-picking, and had agreed to plead guilty if the offense were reduced to petit larceny; the authorities had accepted his proposal, and he had been sentenced to six months in the workhouse. He had served four and a half months of his sentence when Archie went into the workhouse.

The only time when Mason showed any marked sense of humor was when he told Archie of his having confessed to pocket-picking. The truth was that he was totally innocent of this crime, and if the police had been wise they would have known this. Mason was a Johnny Yegg, that is, an itinerant safe-blower. As a yegg man, of course, he never had picked a pocket, and could not have done so had he wished, for he did not

know how; and if he had known how, still he would not have done so, for the yeggs held such crimes as picking pockets in contempt. All of the terms he had served in states' prisons had been for blowing safes, and all of the safes had been in rural post-offices. The technical charge was burglary, though he was not a burglar, either, in the sense of entering dwellings by night; this was a class of thieving left to prowlers. The preceding fall, however, a safe had been blown in a country post-office near the city, and Mason knew that the United States inspectors would suspect him if they found him, and while he had been innocent of that particular crime, he knew that this would make no difference to the inspectors; they would willingly "job" him, as he expressed it, justifying the act to any one who might question it—they would not need to justify it to themselves—by arguing that if he had not blown that particular safe he had blown others, so that the balance would be dressed in the end. Consequently, when the police arrested him for pocket-picking, he hailed it as a stroke of good fortune and looked on the workhouse as an asylum. He had been a model prisoner, and had given the authorities no trouble. He did this partly because he was a philosophical fellow, patient and uncomplaining, partly because he did not wish to attract attention to himself. His picture and his measurements, taken according to the Bertillon system, were in every police station in the land.

Mason told Archie many interesting stories of his life, of cooking over a fire in the woods, riding on freight trains, of hang-outs in sand-houses, and so on, and he told circumstantially of numerous crimes, though never did he identify himself as concerned in

any of them excepting those of which he had been convicted, and in these he did not give the names of his accomplices. Before their companionship ended he had taught Archie the distinctions between yegg men and peter men and gay cats, guns of various kinds, prowlers, and sure-thing men, and the other unidentified horde of criminals who belong to none of these classes.

He had taught Archie also many little tricks whereby a convict's lot may be lightened—as, for instance, how to split with a pin one match into four matches, how to pass little things from one cell to another by a "trolley" or piece of string, how to lie on a board, and so on. But, above all, he had set Archie the example of a patient man who took things as they came, without question or complaint.

Archie missed Mason. He could see him sitting in the gloom of their little cell, upright and almost never moving, talking in a low tone, his lips, which had a streak of tobacco always on them, moving slowly, shutting tightly after each sentence, until he had swallowed, then deliberately he would go on. Mason's view of life interested Archie, who, up to that time, had never thought at all, had never made any distinctions, and so had no view of life at all. Many of Mason's views were striking in their insight, many were childish in their lack of it; they were curiously straightforward at times, at others astonishingly oblique. He had a great hatred of sham and pretense, and he considered all so-called respectable people as hypocrites. He had about the same contempt for them that he had for the guns, who were sneaks, he said, afraid to take chances.

He had a high admiration for boldness and courage, and a great love of adventure, and he thought that all these qualities were best exemplified in yegg men. For the courts he had no respect at all; his contempt was so deep-rooted that he never once considered the possibility of their doing justice, and spoke as if it were axiomatic that they could not do justice if they tried. He had the same contempt for the church, although he seemed to know much about the life of Jesus and had respect for His teachings. He called the people who came to pray and sing on Sundays "mission stiffs"; he treated them respectfully enough, but he told Archie that those prisoners who took an interest in the services did so that they might secure favors and perhaps pardons. He had known many convicts to secure their liberty in that way, and while he gave them credit for cleverness and was not disposed to blame them, still he did not respect them. Such convicts he called "false alarms."

There were one or two judges before whom he had been tried that he admired and thought to be good men. He did not blame them for the sentences they had given him, but explained to Archie that they had to do this as an incident of their business, and he spoke as if they might have shared his own regret in the cruel necessity. Of all prosecutors, however, he had a hatred; especially of Eades, of whom he seemed to have heard much. He told Archie that as a result of Eades's severity the thieves some day would "rip" the town.

He looked on his own occupation and spoke of it as any man might look on his own occupation; it simply

happened that that was his business. He seemed to consider it as honest as, or at least no more dishonest than, any other business. He had certain standards, and these he maintained. On the whole, however, he concluded that his business hardly paid, though it had its compensations in its adventure and in its free life.

XVI

Archie was loitering along Market Place, not sure of what he would do that evening, but ready for any sensation chance might offer. Men were brushing through the flapping green doors of the small saloons, talking loudly, and swearing, many of them already drunk. Pianos were going, and above all the din he heard the grating of a phonograph grinding out the song some minstrel once had sung to a banjo; the banjo notes were realistic, but the voice of the singer floated above the babel of voices like the mere ghost of a voice, inhuman and not alive, as perhaps the singer might not then have been alive. Archie, wondering where the gang was, suddenly met Mason. The sight gave him real pleasure.

"Hello, Joe!" he cried as he seized Mason's hand.

Mason smiled faintly, but Archie's joy made him happy.

"Je's," said Archie, "I'm glad to see you—it makes me feel better. When 'd you get out?"

"This morning," Mason replied. "Which way?"

"Oh, anywhere," said Archie. "Where you goin'?"

"Up to Gibbs's. Want to go 'long?"

Archie's heart gave a little start; to go to Danny Gibbs's under Mason's patronage would be a distinction. The evening opened all at once with sparkling possibilities.

"An old friend o' mine's there," Mason explained as they walked along up Kentucky Street. "He's just got out of a shooting scrape; he croaked that fellow Benny Moon. Remember?"

Gibbs's place was scarcely more than a block away; it displayed no sign; a three-story building of brick, a side door, and a plate-glass window in front; a curtain hiding half the window, a light above—that was all.

Mason entered with an assurance that impressed Archie, who had never before felt the need of assurance in entering a saloon. He looked about; it was like any other saloon, a long bar and a heavy mirror that reflected the glasses and the bottles of green and yellow liqueurs arranged before it. At one table sat a tattered wreck of a man, his head bowed on his forearms crossed on the table, fast asleep—one of the many broken lives that found with Danny Gibbs a refuge. Over the mirror behind the bar hung an opium pipe, long since disused, serving as a relic now, the dreams with which it had once relieved the squalor and remorse of a wasted life long since broken.

At Mason's step, however, there was a stir in the room behind the bar-room, and a woman entered. She walked heavily, as if her years and her flesh were burdensome; her face was heavy, tired and expressionless. She was plainly making for the bar, as if to keep alive the pretense of a saloon, but when she saw Mason she stopped, her face lighted up, becoming all at once matronly and pleasant, and she smiled as she came forward, holding out a hand.

"Why, Joe," she said, "is that you? When did you get out?"

"This morning," he said. "Where's Dan?"

"He's back here; come in," and she turned and led the way.

Mason followed, drawing Archie behind him, and they entered the room behind the bar-room. The atmosphere changed—the room was light, it was lived in, and the four men seated at a round bare table gave to the place its proper character. Three of the men had small tumblers filled with whisky before them, the fourth had none; he sat tilted back in his chair, his stiff hat pulled down over his eyes, his hands sunk in the pockets of his trousers; his fat thighs flattened on the edge of his chair. He was dressed in modest gray, and might have been taken for a commonplace business man. He lifted his blue eyes quickly and glanced at the intruders; his face was round and cleanly shaved, save for a little blond mustache that curled at the corners of his mouth. His hair, of the same color as his mustache, glistened slightly at the temples, where it was touched by gray. This man had no whisky glass before him—he did not drink, but he sat there with an air of presiding over this little session, plainly vested with some authority—sat, indeed, as became Danny Gibbs, the most prominent figure in the under world.

Gibbs's place was only ostensibly a saloon; in reality it was a clearing-house for thieves, where accounts were settled with men who had been robbed under circumstances that made it advisable for them to keep the matter secret, and where balances were adjusted with the police. All the thieves of the higher class—those who traveled on railway trains and steamboats, fleecing men in games of cards, those of that class who were well-dressed, well-informed, pleasant-mannered, apparently respectable, who passed everywhere for

men of affairs, and stole enormous sums by means of a knowledge of human nature that was almost miraculous—were friends of Gibbs. He negotiated for them; he helped them when they were in trouble; when they were in the city they lived at his house—sometimes they lived on him. The two upper floors of his establishment, fitted like a hotel, held many strange and mysterious guests. Gibbs maintained the same relation with the guns, the big-mitt men, and sneak-thieves, and he bore the same relation to the yegg men and to the prowlers. By some marvelous tact he kept apart all these classes, so different, so antipathetic, so jealous and suspicious of one another, and when they happened to meet he kept them on terms. There never were loud words or trouble at Gibbs's. To all these classes of professional criminals he was a kind of father, an ever-ready friend who never forgot or deserted them. When they were in jail he sent lawyers to them, he provided them with delicacies, he paid their fines. Sometimes he obtained pardons and commutations for them, for he was naturally influential in politics and maintained relations with Ralph Keller, the boss of the city, that were as close as those he maintained with the police. He could provide votes for primaries, and he could do other things. The police never molested him, though now and then they threatened to, and then he was forced to increase the tribute money, already enormous. A part of his understanding with the police, a clause in the *modus vivendi,* was that certain friends of Gibbs's were to be harbored in the city on condition that they committed no crimes while there; now and then when a crime was committed in the city, it would be made the excuse by the police for further extortion. The detec-

tives came and went as freely at Gibbs's as the guns, the yeggs, the prowlers, the sure-thing men, the gamblers and bunco men.

"Ah, Joe," said Gibbs, glancing at Mason.

"Dan," said Mason, as he took a chair beside Gibbs. They had spoken in low, quiet tones, yet somehow the simplicity of their greeting suggested a friendship that antedated all things of the present, stretching back into other days, recalling ties that had been formed at times and under circumstances that were lost in the past and forgotten by every one, even the police. However well the other three might have known Gibbs, they delicately implied that their relation could not be so close as that of Joe Mason, and they were silent for an instant, as if they would pay a tribute to it. But the silence held, losing all at once its deference to the friendship of Gibbs and Mason, and taking on a quality of constraint, cold and repellent, plainly due to Archie's presence. Archie felt this instantly, and Mason felt it, for he knew the ways of his kind, and, turning to Gibbs, he said:

"A friend of mine; met him in the boob." And then he said: "Mr. Gibbs, let me introduce Mr. Koerner."

Gibbs looked at Archie keenly and gave him his hand. Then Mason introduced Archie to the three other men—Jackson, Mandell and Keenan. Gibbs, meanwhile, turned to his wife, who had taken a chair against the wall and folded her arms.

"Get Joe and his friend something to drink, Kate," he commanded. The woman rose wearily, asked them what they wished to drink, and went into the bar-room for the whisky glasses.

The little company had accepted Archie tentatively

on Mason's assurance, but they resumed their conversation guardedly and without spontaneity. Mason, however, gave it a start again when he turned to Jackson and said:

"Well, Curly, I read about your trouble. I was glad you wasn't ditched. I thought for a while there that you was the fall guy, all right."

Jackson laughed without mirth and flecked the ash from his cigarette.

"Yes, Joe, I come through."

"He sprung you down there, too!" said Mason with more surprise than Archie had ever known him to show. "I figured you'd waive, anyhow."

"Well, I wanted a show-down, d'ye see?" said Jackson. "I knew they couldn't hold me on the square."

"Didn't they know anything?"

"Who, them chuck coppers?" Jackson sneered. "Not a thing; they guessed a whole lot, and when I got out they asked if I'd object to be mugged." Jackson was showing his perfect teeth in a smile that attracted Archie. "They'd treated me so well, I was ready to oblige them—d'ye see?—and I let 'em—so they took my Bertillon. I didn't think one more would hurt much."

Jackson looked down at the table and smiled introspectively. The smile won Archie completely. He was looking at Jackson with admiration in his eyes, and Jackson, suddenly noticing him, conveyed to Archie subtly a sense of his own pleasure in the boy's admiration.

"Well, I tell you, Curly," Mason was going on. "You done right—that fink got just what was comin' to him. You showed the nerve, too. I couldn't 'ave waited half

that long. But I didn't think you'd stand a show with Bostwick. I knowed you'd get off in front of a jury, but I had my misdoubts about that fellow Eades. God! he's a cold proposition! But in front of Bostwick—!" Mason slowly and incredulously shook his head, then ended by swallowing his little glassful of whisky suddenly.

"Well, you see, Joe," Jackson began, speaking in a high, shrill voice, as if it were necessary to convince Mason, "there was nothin' to it. There was no chance for the bulls to job me on this thing," and he went on to explain, as if he had to vindicate his exercise of judgment in a delicate situation, seeming to forget how completely the outcome had justified it.

Archie had scarcely noticed Keenan and Mandell; once he had wrested his eyes from Gibbs, he had not taken them from Jackson. He had been puzzled at first, but now, in a flash, he recognized in Jackson the man who had shot Moon.

"You see, Joe," Mandell suddenly spoke up—his voice was a rumbling bass in harmony with his heavy jaws—"it was a clear case of self-defense. The shamming-pusher starts out to clean up down the line, he unsloughs up there by Connie's place on Caldwell, and musses a wingy, and then he goes across the street and bashes a dinge; he goes along that way, bucklin' into everybody he meets, until he meets Curly, who was standing down there by Sailor Goin's drum chinnin' Steve Noonan—he goes up to them and begins. Curly mopes off; he dogs him down to Cliff Decker's corner, catches up and gives Curly a clout in the gash—"

Mason was listening intently, leaning forward, his keen eyes fixed on Mandell's. He was glad, at last, to

have the story from one he could trust to give the details correctly; theretofore he had had nothing but the accounts in the newspapers, and he had no more confidence in the newspapers than he had in the courts or the churches, or any other institution of the world above him. Archie listened, too, finding a new fascination in the tale, though he had had it already from one of the gang, Pat Whalen, who had been fortunate enough to see the tragedy, and had had the distinction of testifying in the case. Whalen had seen Moon, a bartender with pugilistic ambitions, make an unprovoked assault on Jackson, follow him to the corner, and knock him down; he had seen Jackson stagger to his feet, draw his revolver and back away. He had told Archie how deathly white Jackson's face had gone as he backed, backed, a whole block, a crowd following, and Moon coming after, cursing and swearing, taunting Jackson, daring him to shoot, telling him he was "four-flushing with that smoke-wagon," warning him to make a good job when he did shoot, for he intended to make him eat his gun. He had told how marvelously cool Jackson was; he had said in a low voice, "I don't want to shoot you—I just want you to let me alone." And Whalen had described how Moon had flung off his coat, how bystanders had tried to restrain him, how he had rushed on, how Jackson had gone into the vacant lot by old Jim Peppers's shanty, coming out on the other side, until he was met by Eva Clason, who tried to open a gate and let Jackson into the brothel she called home. Whalen had given Archie a sense of the ironical fate that that day had led Eva's piano player to nail up the gate so that the chickens she had bought could not get out of the yard. The gate would

not open and Moon was on him again; and Jackson backed and backed, clear around to the sidewalk on Caldwell Street, and then, when he had completed the circuit, Moon had sprung at him. Then the revolver had cracked, the crowd closed in, and there lay Moon on the sidewalk, dead—and Jackson looking down at him. Then the cries for air, the patrol wagon, and the police.

As Mandell told the story now, Archie kept his eyes on Jackson. At the point where he had said, "I don't want to shoot you," Jackson's eyes grew moist with tears; he blinked and knocked the ashes from his cigarette with the nail of his little finger, sprinkling them on the floor. When Mandell had done, Mason looked up at Jackson.

"Well, Curly," he said, "you had the right nerve."

"Nerve!" said Mandell. "I guess so!"

"Nerve!" repeated Keenan. "He had enough for a whole mob!"

"Ach!" said Jackson, twisting away from them on his chair.

"I'd 'a' let him have it when he first bashed me," said Keenan.

"Yes!" cried Jackson suddenly, rising and catching his chair by the back. "Yes—and been settled for it! I didn't want to do it; I didn't want to get into trouble. You always was that way, Jimmy."

Archie looked at Curly Jackson as he stood with an arm outstretched toward Keenan; his figure was tall and straight and slender, and as he noted the short brown curls that gave him his name, the tanned cheeks, the attitude in which he held himself, something confused Archie, some thought he could not catch—some

idea that evaded him, coming near till he was just on the point of grasping it, then eluding him, like a name one tries desperately to recall.

"I didn't have my finger on the trigger," Jackson went on, speaking in his high, shrill, excited voice. "I held it on the trigger-guard all the time."

And then suddenly it came to Archie—that bronzed skin, that set of the shoulders, that trimness, that alertness, that coolness, Jackson could have got nowhere but in the army. He had been a soldier—what was more, he had been a regular. And Archie felt something like devotion for him.

"Sit down, Curly," said Gibbs, and Jackson sank into his chair. A minute later Jackson turned to Mason and said quietly:

"You see, Joe, I don't like to talk about it—nor to think of it. I didn't want to kill him, God knows. I don't see anything in it to get swelled about and be the wise guy."

XVII

Curly Jackson sat for a moment idly making little circles on the polished surface of the table with the moist bottom of his glass; then abruptly he rose and left the room. The others followed him with their eyes. Archie was deeply interested. He longed to talk to Jackson, longed to show him how he admired him, but he was timid in this company, and felt that it became him best to remain quiet. But Jackson's conduct in the tragedy had fired Archie's imagination, and Jackson was as much the hero in his eyes as he was in the eyes of his companions. And then Archie thought of his own skill with the carbine and the revolver, and he wished he could display it to these men; perhaps in that way he could attract their notice and gain their approval.

"He doesn't want to talk about it," said Mason when Jackson had disappeared.

"No," said Gibbs. "Let him alone."

Jackson was gone but a few minutes, and then he returned and quietly took his seat at the table. They talked of other things then, but Archie could understand little they said, for they spoke in a language that was almost wholly unintelligible to him. But he sat and listened with a bewildering sense of mystery that made their conversation all the more fascinating. What they said conveyed to him a sense of a wild, rough, dangerous life that was full of adventure and a kind of

low romance, and Archie felt that he would like to know these men better; if possible, to be one of them, and at the thought his heart beat faster, as at the sudden possibility of a new achievement.

As they talked voices were heard in the bar-room outside, and presently a huge man stood in the doorway. He was fully six feet in height, and blond. His face was red, and he was dressed in dark gray clothes, a blue polka-dotted cravat giving his attire its one touch of color. He reminded Archie of some one, and he tried to think who that person was.

"Oh, Dan," the man in the doorway said, "come here a minute."

Gibbs went into the bar-room.

"Who's that?" asked Mandell.

"He's a swell, all right," said Keenan.

The three, Mandell, Keenan and Jackson, looked at Mason as if he could tell. But Archie suddenly remembered.

"He looks like an army officer," he said, speaking his thought aloud.

"What do you know about army officers, young fellow?" demanded Jackson. The others turned, and Archie blushed. But he did not propose to have Jackson put him down.

"Well," he said with spirit, "I know something—I was in the regular army three years."

"What regiment?" Jackson fixed Archie with his blue eyes, and there seemed to be just a trace of concern in their keen, searching glance.

"The twelfth cavalry," said Archie. "I served in the Philippines."

"Oh!" said Jackson, as if relieved, and he released Archie from his look. Archie felt relieved, too, and went on:

"He looks just like a colonel in the English army I saw at Malta. Our transport stopped there."

"It's Lon McDougall," said Mason when Archie had finished. "He's a big-mitt man."

The others turned away with an effect of lost interest and something like a sneer.

"I suppose there's a lot o' those guns out there," said Keenan.

"A mob come in this afternoon," said Mason; "they're working eastward out of Chicago with the rag."

"Well, let's make a get-away," said Keenan, unable to conceal a yegg man's natural contempt of the guns.

They all got up, Archie with them, and went out. In the bar-room five men were standing; they were all men of slight figure, dressed well and becomingly, and with a certain alert, sharp manner. They cast quick, shifty glances at the men who came out of the back room, but there was no recognition between them. These men, as Mason had said, were all pickpockets; they had come to town that afternoon, and naturally repaired at once to Gibbs's. They had come in advance of a circus that was to be in the city two days later, and were happy in the hope of being able to work under protection. They knew Cleary as a chief of police with whom an arrangement could be made, and McDougall, who had come in to work on circus day himself, had kindly agreed to secure them this protection. At that moment, indeed, McDougall was whis-

pering with Gibbs at the end of the bar; they were discussing the "fixing" of Cleary.

The pickpockets had been talking rather excitedly. They were glad at the prospect of the circus, and, in common with the rest of humanity, they were glad that spring had come, partly from a natural human love of this time of joy and hope, partly because the spring was the beginning of the busy season. They could do more in summer, when people were stirring about, just as the yegg men could do more in winter, when the nights were long and windows were closed and people kept indoors. But at the appearance of Mason and his friends, one of the pickpockets gave the thieves' cough, and they were silent. McDougall glanced about, then resumed his low talk with Gibbs.

"Give us a little drink, Kate," said Jackson, who seemed to have money. As they stood there pouring out their whisky, a little girl with a tray of flowers entered the saloon, and the pickpockets instantly bought all her carnations and adorned themselves. And then a man entered, a small man, with a wry, comical face and a twisted, deformed figure; his left hand was curled up as if he had been paralyzed on that side from his youth. But once behind the big walnut screen which shut off the view from the street, he straightened suddenly and became as well formed as any one. His comedian's face broke into a smile, and he greeted every one there familiarly; he knew them all—Gibbs and McDougall, the pickpockets, and the yegg men, and he burst into loud congratulations when he saw Jackson.

"Well, Curly," he said, "you gave that geezer all that was coming to him! You—"

"Cheese it, Jimmy," said Jackson. "I don't want to hear any more about that."

Jackson spoke with such authority that the little fellow stepped back, the smile that was on his lips faded suddenly, and he joined the pickpockets. The little fellow was a grubber; he could throw his body instantly into innumerable hideous shapes of deformity; he had not the courage to be a thief, was afraid to sleep in a barn, and so had become a beggar.

As Mason bade Gibbs good night and went out he was laughing, and Archie had not often seen him laugh. On the way down the street he told stories of Jimmy's abilities as a beggar, and they all laughed, all save Jackson, who was gloomy and morose and walked along shrouded in a kind of gloom that impressed Archie powerfully.

And now new days dawned for Archie—days of association with Mason, Jackson, Keenan and Mandell. The Market Place gang had no standing among professional criminals, though it had furnished recruits, and now Archie became a recruit, and soon approved himself. It was not long until he could speak their language; he called a safe a "peter" and nitroglycerin "soup," a freight-train was a "John O'Brien"; he spoke of a man convicted as a "fall man", conveying thus subtly a sense of vicarious sacrifice; he called policemen "bulls", and jails "pogeys"; the penitentiary where all these men had been was the "stir", and the little packages of buttered bread and pie that were handed out to them from kitchen doors were "lumps". And he learned the distinctions between the classes of men who defy society and its laws; he knew what gay cats were, and guns and dips, lifters, moll-buzzers, hoisters, tools,

scratchers, stalls, damper-getters, housemen, gopher-men, peter-men, lush-touchers, super-twisters, penny-weighters, and so forth. And after that he was seen at home but seldom; his absences grew long and mysterious.

XVIII

Elizabeth did not go often to the Country Club, and almost never for any pleasure she herself could find; now and then she went with her father, in order to lure him out of doors; but to-day she had come with Dick, who wanted some fitting destination for his new touring car. She was finding on a deserted end of the veranda a relief from the summer heat that for a week had smothered the city. A breeze was blowing off the river, and she lay back languidly in her wicker chair and let it play upon her brow. In her lap lay an open book, but she was not reading it nor meditating on it; she held it in readiness to ward off interruption; her reputation as a reader of books, while it made her formidable to many and gave her an unpopularity that was more and more grieving her mother, had its compensations—people would not often intrude upon a book. She looked off across the river. On its smooth surface tiny sail-boats were moving; on the opposite bank there was the picturesque windmill of a farm-house, white against the bright green. The slender young oak trees were rustling in the wind; the links were dotted with players in white, and the distant flags and fluttering guidons that marked hidden putting greens. Then suddenly Marriott was before her. He had come in from the links, and he stood now bareheaded, glowing from his exercise, folding his arms on the veranda rail. His forearms were blazing red from their first burning of

the season, and his nose was burned red, giving him a merry look that made Elizabeth smile.

"My! but you're burned!" she exclaimed

"Am I?" said Marriott, pleased.

"Yes—like a mower," she added, remembering some men working in a field that had fled past them as they came out in the automobile. She remembered she had fancied the men burned brown as golfers, and she had some half-formed notion of a sentence she might turn at the expense of a certain literary school that viewed life thus upside down. She might have gone on then and talked it over with Marriott, but her brain was too tired; she could moralize just then no further than to say:

"You don't deserve to be burned as a mower—your work isn't as hard."

"No," said Marriott, "it isn't work at all—it's exercise; it's a substitute for the work I should be doing." A look of disgust came to his face.

She did not wish then to talk seriously; she was trying to forget problems, and she and Marriott were always discussing problems.

"It's absurd," Marriott was saying. "I do this to get the exercise I ought to get by working, by producing something—the exercise is the end, not an incident of the means. You don't see any of these farmers around here playing golf. They're too tired—"

"Gordon," said Elizabeth, "I'm going away."

"Where to?" he asked, looking up suddenly.

"To Europe," she said.

"Europe! Why, when? You must have decided hurriedly."

"Yes, the other night after I came home from Mr.

Parrish's—we decided rather quickly—or papa decided for us."

"Well!" Marriott exclaimed again. "That's fine!"

He looked away toward the first tee, where his caddie was waiting for him. He beckoned, and the boy came with his bag.

"Tell Mr. Phillips I'll not play any more—I'll see him later."

The caddie took up the bag and went lazily away, stopping to take several practice swings with one of Marriott's drivers. The boy was always swinging this club in the hope that Marriott would give it to him.

Marriott placed his hands on the rail, sprang over it, and drew up a chair.

"Well, this is sudden," he said, "but it's fine for you." He took out a cigarette. "How did it happen?"

"Do you want the real reason?" she asked.

"Of course; I've a passion for the real."

"I'm going in order to get away."

Marriott was sheltering in his palms a match for his cigarette. He looked up suddenly, the cigarette still between his lips.

"Away from what?"

"Oh, from—everything!" She waved her hands despairingly. Marriott did not understand.

"That's it," she said, looking him in the eyes. He saw that she was very serious. He lighted his cigarette, and flung away the match that was just beginning to burn his fingers.

"I'm going to run away; I'm going to forget for a whole summer. I'm going to have a good time. When I come back in the fall I'm going to the Charity Bureau and do some work, but until then—"

"Who's going with you?" asked Marriott. He had thought of other things to say, but decided against them.

"Mama."

"And your father?"

"Oh, he can't go. He and Dick will stay at home."

"Then you won't shut up the house?"

"No, we'll let the maids go, but we've got Gusta Koerner to come in every day and look after things. I'm glad for her sake—and ours. We can trust her."

"I should think Dick would want to go."

"No, he has this new automobile now, and he says, too, that he can't leave the bank." She smiled as she thought of the seriousness with which Dick was regarding his new duties.

"Then you'll not go to Mackinac?"

"No, we'll close the cottage this summer. Papa doesn't want to go there without us, and—"

"But Dick will miss his yacht."

"Oh, the yacht has been wholly superseded in his affections by the auto."

"Well," said Marriott, "I'll not go north myself then. I had thought of going up and hanging around, but now—"

She looked to see if he were in earnest.

"Really, I'm not as excited over the prospect of going to Europe as I should be," said Elizabeth with a little regret in her tone. "I haven't been in Europe since I graduated, and I've been looking forward to going again—"

"Oh, you'll have a great time," Marriott interrupted.

She leaned back and Marriott eyed her narrowly; he saw that her look was weary.

"Well, you need a rest. It was such a long, hard winter."

Elizabeth did not reply. She looked away across the river and Marriott followed her gaze; the sky in the west was darkening, the afternoon had grown sultry.

"Gordon," she said presently, "I want you to do something for me."

His heart leaped a little at her words.

"Anything you say," he answered.

"Won't you"—she hesitated a moment—"won't you look after Dick a little this summer? Just keep an eye on him, don't you know?"

Marriott laughed, and then he grew sober. He realized that he, perhaps, understood the seriousness that was behind her request better than she did, but he said nothing, for it was all so difficult.

"Oh, he doesn't need any watching," he said, by way of reassuring her.

"You will understand me, I'm sure." She turned her gray eyes on him. "I think it is a critical time with him. I don't know what he does—I don't want to know; I don't mean that you are to pry about, or do anything surreptitious, or anything of that sort. You know, of course; don't you?"

"Why, certainly," he said.

"But I have felt—you see," she scarcely knew how to go about it; "I have an idea that if he could have a certain kind of influence in his life, something wholesome—I think you could supply that."

Marriott was moved by her confidence; he felt a great affection for her in that instant.

"It's good in you, Elizabeth," he said, and he lingered an instant in pronouncing the syllables of her

name, "but you really overestimate. Dick's all right, but he's young. I'm not old, to be sure; but he'd think me old."

"I can see that would be in the way," she frankly admitted. "I don't know just how it could be done; perhaps it can't be done at all."

"And then, besides all that," Marriott went on, "I don't know of any good I could do him. I don't know that there is anything he really needs more than we all need."

"Oh, yes there is," she insisted. "And there is much you could give him. Perhaps it would bore you—"

He protested.

"Oh, I know!" she said determinedly. "We can be frank with each other, Gordon. Dick is a man only in size and the clothes he wears; he's still a child—a good, kind-hearted, affectionate, thoughtless child. The whole thing perplexes me and it has perplexed papa—you might as well know that. I have tried, and I can do nothing. He doesn't care for books, and somehow when I prescribe books and they fail, or are not accepted, I'm at the end of my resources. I have been trying to think it all out, but I can't. I know that something is wrong, but I can't tell you what it is. I only know that I *feel* it, and that it troubles me and worries me—and that I am tired." Then, as if he might misunderstand, she went on with an air of haste: "I don't mean necessarily anything wrong in Dick himself, but something wrong in—oh, I don't know what I mean!"

She lifted her hand in a little gesture of despair.

"I feel somehow that the poor boy has had no chance in the world—though he has had every advantage and opportunity." Her face lighted up instantly with a

kind of pleasure. "That's it!" she exclaimed. "You see"—it was all clear to her just then, or would be if she could put the thought into words before she lost it —"there is nothing for him to do; there is no work for him, no necessity for his working at all. This new place he has in the Trust Company—he seems happy and important in it just now, but after all it doesn't seem to me real; he isn't actually needed there; he got the place just because Mr. Hunter is a friend of papa." The thought that for an instant had seemed on the point of being posited was nebulous again. "Don't you understand?" she said, turning to him for help.

"I think I do," said Marriott. His brows were contracted and he was trying to grasp her meaning.

"It's hard to express," Elizabeth went on. "I think I mean that Dick would be a great deal better off if he did not have a—rich father." She hesitated before saying it, a little embarrassed. "If he had to work, if he had his own way to make in the world—"

"It is generally considered a great blessing to have a rich father," said Marriott.

"Yes," said Elizabeth, "it is. I've heard that very word used—in church, too. But with Dick"—she went back to the personal aspect of the question, which seemed easier—"what is his life? Last summer, up at the island, it was the yacht—with a hired skipper to do the real work. This summer it's the touring-car; it's always some sensation, something physical, something to kill time with—and what kind of conception of life is that?"

She turned and looked at him with a little arch of triumph in her brows, at having attained this expression of her thought.

"We all have a conception of life that is more or less confused," Marriott generalized. "That is, when we have any conception at all."

"Of course," said Elizabeth, "I presume Dick's conception is as good as mine; and that his life is quite as useful. My life has been every bit as objective—I have a round of little duties—teas and balls and parties, and all that sort of thing, of course. I've been sheltered, like all girls of my class; but poor Dick—he's exposed, that is the difference."

She was silent for a while. Marriott had not known before how deep her thought had gone.

"I'm utterly useless in the world," she went on, "and I'm sick of it! Sick of it!" She had grown vehement, and her little fists clenched in her lap, until the knuckles showed white.

"Do you know what I've a notion of doing?" she said.

"No; what?"

"I've a notion to go and work in a factory, say half a day, and give some poor girl a half-holiday."

"But you'd take her wages from her," said Marriott.

"Oh, I'd give her the wages."

Marriott shook his head slowly, doubtingly.

"I know it's impractical," Elizabeth went on. "Of course, I'd never do it. Why, people would think I'd gone crazy! Imagine what mama would say!"

She smiled at the absurdity.

"No," she said, "I'll have to go on, and lead my idle, useless life. That's what it is, Gordon." He saw the latent fires of indignation and protest leap into her eyes. "It's this life—this horrible, false, insane life! That's what it is! The poor boy is beside himself with it, and

he doesn't know it. There is no place for him, nothing for him to do; it's the logic of events."

He was surprised to see such penetration in her.

"I've been thinking it out," she hurried to explain. "I've suffered from it myself. I've *felt* it for a long time, without understanding it, and I don't understand it very well now, but I'm beginning to. Of what use am I in the world? Not a bit—there isn't a single thing I can do. All this whole winter I've been going about to a lot of useless affairs, meeting and chattering with a lot of people who have no real life at all—who are of no more use in the world than I. I'm wearing myself out at it—and here I am, glad that the long, necessary waste of time is over—tired and sick, of this —this—sofa-pillow existence!" She thumped a silken pillow that lay on a long wicker divan beside her, thumped it viciously and with a hatred.

"Sometimes I feel that I'd like to leave the town and never see anybody in it again!" Elizabeth exclaimed. "Don't you?"

"Yes—but—"

"But what?"

"But is there any place where we could escape it all?"

"There must be some place—some place where we know no one, so that no one's cares could be our cares, where we could be mere disinterested spectators and sit aloof, and observe life, and not feel that it was any concern of ours at all. That's what I want. I'd like to escape this horrible ennui."

"Well, the summer's here and we can have our vacations. Of course," he added whimsically, "the Koerners will have no vacation."

"Gordon, don't you ever dare to mention the Koerners again!"

XIX

A few days later Eades and Marriott stood on a step at the Union Station, and watched the majestic Limited pull out for the east. The white-haired engineer in his faded blue jumper looked calmly down from the high window of his cab, the black porters grinned in the vestibule, the elderly conductor carrying his responsibilities seriously and unaffectedly, swung gracefully aboard, his watch in his hand, and there, on the observation platform, stood Elizabeth, very pretty in her gray gown and the little hat with the violets, Eades's flowers in one hand, Marriott's book in the other, waving her adieux. They watched her out of sight, and then Ward, standing beside them, sighed heavily.

"Well," he said, "it'll be lonesome now, with everybody out of town."

They waited for Dick, who alone of all of them had braved the high corporate authority at the gate, and gone with the travelers to their train. He came, and they went through the clamorous station to the street, where Dick's automobile was waiting, shaking as if it would shake itself to pieces. They rode down town in solemn silence. Eades and Marriott, indeed, had had little to say; during the strain of the parting moments with Elizabeth they had been stiff and formal with each other.

"I hope to get away myself next week," said Eades. "The town will soon be empty."

The city day was drawing to a close. Forge fires were glowing in the foundries they passed. Through the gloom within they could see the workmen, stripped like gunners to the waist, their moist, polished skins glowing in the fierce glare. They passed noisy machine-shops whence machinists glanced out at them. In some of the factories bevies of girls were thronging the windows, calling now and then to the workmen, who, for some reason earlier released from toil, were already trooping by on the sidewalk. In the crowded streets great patient horses nodded as they easily drew the empty trucks that had borne such heavy loads all day; their drivers were smoking pipes, greeting one another, and whistling or singing; one of them in the camaraderie of toil had taken on a load of workmen, to haul them on their homeward way. The street-cars were filled with men whose faces showed the grime their hasty washing had not removed.

Suddenly whistles blew, then there was a strange silence. Something like a sigh went up from all that quarter of the town.

The automobile was tearing through the tenderloin with its gaudily-painted saloons and second-hand stores sandwiched between. Old clothes fluttered above the sidewalk, and violins, revolvers, boxing-gloves and bits of jewelry, the trash and rubbish of wasted, feverish lives showed in the windows. Fat Jewish women sat in the doorways of pawn-shops, their swarthy children playing on the dirty sidewalk. In the swinging green doors of saloons stood bartenders; and everywhere groups of men and women, laughing, joking, haggling, scuffling and quarreling. Now and then girls with their tawdry finery tripped down from upper rooms,

stood a moment in the dark, narrow doorways, looked up and down the street, and then suddenly went forth. In some of the cheap theaters, the miserable tunes that never ended, day or night, were jingling from metallic pianos. They passed on into the business district. Shops were closing, the tall office buildings, each a city in itself, were pouring forth their human contents; the sidewalks were thronged—everywhere life, swarming, seething life, spawned out upon the world.

Book II

I

All day long Archie Koerner and Curly Jackson had ridden in the empty box-car. They had made themselves as comfortable as they could, and had beguiled the time with talk and stories and cigarettes. Now and then they had fallen asleep, but not for long, for their joints ached with the jolting of the train, and, more than all else, there was a constant concern in their minds that made them restless, furtive and uneasy. The day was warm, and toward noon the sun beat down, hotter and hotter; the car was stifling, its atmosphere charged with the reminiscent odors of all the cargoes it had ever hauled. Long before daylight that morning they had crawled into the car as it stood on a siding in a village a hundred miles away. Just before dawn the train came, and they heard the conductor and brakeman moving about outside; now and then they caught the twinkle of their lanterns. Then the car was shunted and jolted back and forth for half an hour; finally the train was made up, and pulled out of the sleeping village they were so glad to get away from. With the coming of the dawn, they peeped out to see the sun come up over the fields. They watched the old miracle in silence until they saw a farmer coming across the field with a team. The farmer stopped,

watched the train go by, then turned and began to plow corn.

"Pipe the Hoosier," Curly had said, the sight of a human being relieving the silence imposed by nature in her loneliness. "We call 'em suckers. He'll be plowing all day, but next winter he'll be sitting by a fire—and we'll—we'll be macing old women for lumps at the back doors."

Archie was not much affected by Curly's sarcastic philosophy; he had not yet attained to Curly's point of view.

Two days before, at evening, they had left the city and spent the first half of the night on foot, trudging along a country road; then a freight-train had taken them to a little town far to the south, where, in the small hours of the morning, they had broken into a post-office, blown open the safe with nitroglycerin, and taken out the stamps and currency. Curly considered the venture successful, though marred by one mishap: in the explosion the currency had been shattered and burned. But he had carefully gathered up the remnants, wrapped them in a paper, and stowed them away in his pocket with the stamps. The next day they hid in a wood. Curly made a fire, cooked bacon, and brewed tea in a tomato can, and these, with bread, had made a meal for them. Then he had carefully sorted the stamps, and had hidden in the ground all the five- and ten-cent stamps, preserving only those of the one- and two-cent denominations. After that he had lain down on the grass and slept.

While Curly slept, Archie sat and examined with an expert's loving interest and the fascination of a boy a new revolver he had stolen from a hardware store in

the city three days before. Curly at first had opposed the theft of the revolver, but had finally consented because he recognized Archie's need; Archie had had no revolver since he was sent to the workhouse. The one he had when he was arrested had been confiscated—as it is called—by the police, and given by Bostwick to a friend, a lawyer who had long wanted a revolver to shoot burglars in case any should break into his home. Curly had consented to Archie's stealing the revolver, but he had commanded him to take nothing else, and had waited outside while Archie went into the hardware store. Archie had chosen a fine one, a double-acting, self-cocking revolver of thirty-eight caliber, like those carried by the police. He had been childishly happy in the possession of this weapon; he had taken it out and looked at it a hundred times, and had been tempted when they were alone in the woods to take a few practice shots, but when Curly ordered him not to think of such nonsense, he drew the cartridges, aimed at trees, twigs, birds, and snapped the trigger. Every little while in the box-car that day he had taken it out, looked at it, caressed it, turned it over in his palm, delicately tested its weight, and called Curly to admire it with him. He thought much more of the revolver than he did of the stamps and blasted currency they had stolen, and Curly had spoken sharply to him at last and said:

"If you don't put up that rod, I'll ditch it for you."

Archie obeyed Curly, but when he had restored the revolver to his pocket, he continued to talk of it, and then of other weapons he had owned, and he told Curly how he had won the sharp-shooter's medal in the army.

But finally, in his weariness, Archie lost interest even in his new revolver, and when Curly would not let him go to the door of the car and look out, lest the trainmen should see them and force them into an encounter, Archie had fallen asleep in a corner.

It was a relief to Curly when Archie went to sleep, for in addition to his joy in his revolver, Archie had been excited over their adventure. Curly was in many ways peculiar; he was inclined to be secretive; he frequently worked alone, and his operations were as much a mystery to his companions and to Gibbs as they were to the police. He had had his eye on the little post-office at Trenton for months; it had called to him, as it were, to come and rob it. It had advantages, the building was old; an entrance could be effected easily. He had stationed Archie outside to watch while he knocked off the peter, and Archie had acquitted himself to Curly's satisfaction. The affair came off smoothly. Though it was in the short summer night, no one had been abroad; they got away without molestation. Now, as they drew near the city, Curly felt easy.

Late in the afternoon Curly saw signs of the city's outposts—the side-tracks were multiplying in long lines of freight-cars. Then Curly wakened Archie, and when the train slowed up, they dropped from the car.

It was good to feel once more their feet on the ground, to walk and stretch their tired, numb muscles, good to breathe the open air and, more than all, good to see the city looming under its pall of smoke. They joined the throngs of working-men; and they might have passed for working-men themselves, for Curly wore overalls, as he always did on his expeditions, and they were both so black from the smoke and cinders of

their journey, that one might easily have mistaken their grime for that of honest toil.

They came to the river, pressed up the long approach to its noble bridge, and submerged themselves in the stream of life that flowed across it, the stream that was made up of all sorts of people—working-men, clerks, artisans, shop-girls, children, men and women, the old and the young, each individual with his burden or his care or his secret guilt, his happiness, his hope, his comedy or his tragedy, losing himself in the mass, merging his identity in the crowd, doing his part to make the great epic of life that flowed across the bridge as the great river flowed under it—the stream in which no one could tell the good from the bad, or even wish thus to separate them, in which no one could tell Archie or Curly from the teacher of a class in a Sunday-school. Here on the bridge man's little distinctions were lost and people were people merely, bound together by the common possession of good and bad intentions, of good and bad deeds, of frailties, errors, sorrows, sufferings and mistakes, of fears and doubts, of despairs, of hopes and triumphs and heroisms and victories and boundless dreams.

Beside them rumbled a long procession of trucks and wagons and carriages, street-cars moved in yellow procession, ringing their cautionary gongs; the draw in the middle of the bridge vibrated under the tread of all those marching feet; its three red lights were already burning overhead. Far below, the river, growing dark, rolled out to the lake; close to its edge on the farther shore could be descried, after long searching of the eye, the puffs of white smoke from crawling trains; vessels could be picked out, tugs and smaller craft,

great propellers that bore coal and ore and lumber up and down the lakes; here and there a white passenger-steamer, but all diminutive in the long perspective. Above them the freight-depots squatted; above these elevators lifted themselves, and then, as if on top of them, the great buildings of the city heaved themselves as by some titanic convulsive effort in a lofty pile, surmounted by the high office buildings in the center, with here and there towers and spires striking upward from the jagged sky-line. All this pile was in a neutral shade of gray,—lines, details, distinctions, all were lost; these huge monuments of man's vanity, or greed, or ambition, these expressions of his notions of utility or of beauty, were heaped against a smoky sky, from which the light was beginning to fade. Somewhere, hidden far down in this mammoth pile, among all the myriads of people that swarmed and lost themselves below it, were Gusta and Dick Ward, old man Koerner and Marriott, Modderwell and Danner, Bostwick and Parrish, and Danny Gibbs, and Mason, and Eades, but they were lost in the mass of human beings—the preachers and thieves, the doctors and judges, and aldermen, and merchants, and working-men, and social leaders, and prostitutes—who went to make up the swarm of people that crawled under and through this pile of iron and stone, thinking somehow that the distinctions and the grades they had fashioned in their little minds made them something more or something less than what they really were.

II

And yet, after having crossed the bridge in the silence that was the mysterious effect of the descent of evening over the city, after having been gathered back again for a few moments into human relations with their fellow mortals, Archie and Curly became thieves again. This change in them occurred when they saw two policemen standing at the corner of High Street, where the crowd from the bridge, having climbed the slope of River Street, began to flow in diverging lines this way and that. The change was the more marked in Archie, for at sight of the policemen he stopped suddenly.

"Look!" he whispered.

"Come on!" commanded Curly, and Archie fell into step. "You never want to halt that way; it don't make any difference with harness bulls, but if a fly dick was around, it might put him hip."

It was a relief to Archie when at last they turned into Danny Gibbs's; the strange shrinking sensation he had felt in the small of his back, the impulse to turn around, the starting of his heart at each footfall behind him, now disappeared. It was quiet at Gibbs's; the place was in perfect order; in the window by the door, under the bill which pictured two pugilists, the big cat he had seen now and then slinking about the place was curled in sleep; and two little kittens were playing near her. At one of the tables, his head bowed in his hands,

was the wreck of a man Archie had so often seen in that same attitude and in that same place—the table indeed seemed to be used for no other purpose. Gibbs himself was there, in shirt-sleeves, leaning over the evening paper he had spread before him on his bar. He was freshly shaven, and was reading his paper and smoking his cigar in the peace that had settled on his establishment; his shirt was fresh and clean; the starch was scarcely broken in its stiff sleeves, and Archie was fascinated by the tiny red figures of horseshoes and stirrups and jockey caps that dotted it; he had a desire to possess, some day, just such a shirt himself. At the approaching step of the two men, Gibbs looked up suddenly, and the light flashed blue from the diamond in the bosom of his shirt. Curly jerked his head toward the back room. Gibbs looked at Curly an instant and then at Archie, a question in his glance.

"Sure," said Curly; "he's in." Then Gibbs carefully and deliberately folded his paper, stuck it in one of the brackets of his bar, and went with the two men into the back room. There he stood beside the table, his hands thrust into his pockets, his cigar rolling in the corner of his mouth, his head tilted back a little. Archie was tingling with interest and expectation.

"Well," said Gibbs, in an introductory way.

Curly was unbuttoning his waistcoat; in a moment he had drawn from its inner pocket a package, unwrapped it, and disclosed the sheets of fresh new stamps, red and green, and stiff with the shining mucilage. He counted them over laboriously and separated them, making two piles, one of the red two-cent stamps, another of the green one-cent stamps, while Gibbs

stood, squinting downward at the table. When Curly was done, Gibbs counted the sheets of postage stamps himself.

"Just fifty of each, heh?" he asked when he had done.

"That's right," said Curly.

"That's right, is it?" Gibbs repeated; a shrewdness in his squint.

"Yes," Curly said.

"Sixty per cent.," said Gibbs.

"All right," said Curly.

"I can't give more for the stickers just now," Gibbs went on, as if the men were entitled to some word of explanation; "business is damned bad, and I'm not making much at that."

"That's all right," said Curly somewhat impatiently, as one who disliked haggling.

"That goes with you, does it, Dutch?" Gibbs said to Archie.

"Sure," said Archie, glancing hastily at Curly, "whatever he says goes with me all right." And then he smiled, his white teeth showing, his face ruddier, his blue eyes sparkling with the excitement he felt—smiled at this new name Gibbs had suddenly given him.

Curly had thrust his hand into another pocket meanwhile, and he drew out another package, done up in a newspaper. He laid this on the table, opened it slowly, and carefully turning back the folds of paper, disclosed the bundle of charred bank-notes. Gibbs began shaking his head dubiously as soon as he saw the contents.

"I can't do much with that," he said. "But you leave it and I'll see."

"Well, now, that's all right," said Curly, speaking in his high argumentative tone; "I ain't wolfing. You can give us our bit later."

"All right," said Gibbs, and carefully doing up the parcels, he took them and disappeared. In a few moments he came back, counted out the money on the table—ninety dollars—and then went out with the air of a man whose business is finished.

Curly divided the money, gave Archie his half, and they went out. The bar-room was just as they had left it; the wreck of a man still bowed his head on his forearms, the cat was still curled about her kittens. Gibbs had taken down his paper, and resumed his reading.

"I'm going to get a bath and a shave," Curly said. He passed his hand over his chin, rasping its palm on the stubble of his beard. Archie was surprised and a little disappointed at the hint of dismissal he felt in Curly's tone. He wished to continue the companionship, with its excitement, its interest, its pleasure, above all that quality in it which sustained him and kept up his spirits. He found himself just then in a curious state of mind; the distinction he had felt but a few moments before in the back room with Gibbs, the importance in the success of the expedition, more than all, the feeling that he had been admitted to relationships which so short a time before had been so mysterious and inaccessible to him,—all this was leaving him, dying out within, as the stimulus of spirits dies out in a man, and Archie's Teutonic mind was facing the darkness of a fit of despondency; he felt blue and unhappy; he longed to stay with Curly.

"Look at, Dutch," Curly was saying; "you've got a

little of the cush now—it ain't much, but it's something. You want to go and give some of it to your mother; don't go and splash it up in beer."

It pleased Archie to have Curly call him Dutch. There was something affectionate in it, as there is in most nicknames—something reassuring. But the mention of his mother overcame this sense; it unmanned him, and he looked away.

"And look at," Curly was going on, "you'll bit up on that burned darb; you be around in a day or two."

Curly withdrew into himself in the curious, baffling way he had; the way that made him mysterious and somewhat superior, and, at times, brought on him the distrust of his companions, always morbidly suspicious at their best. Archie disliked to step out of Gibbs's place into the street; it seemed like an exposure. He glanced out. The summer twilight had deepened into darkness. The street was deserted and bare, though the cobblestones somehow exuded the heat and turmoil of the day that had just passed from them. Archie thought for an instant of what Curly had said about his mother; he could see her as she would be sitting in the kitchen, with the lamp on the table; Gusta would be bustling about getting the supper, the children moving after her, clutching at her skirts, retarding her, getting in her way, seeming to endanger their own lives by scalding and burning and falling and other domestic accidents, which, though always impending, never befell. The kitchen would be full of the pleasant odor of frying potatoes, and the coffee, bubbling over now and then and sizzling on the hot stove—Archie had a sense of all these things, and his heart yearned and softened. And then suddenly he thought of his

father, and he knew that the conception of the home he had just had was the way it used to be before his father lost his leg and all the ills following that accident had come upon the family; the house was no longer cheerful; the smell of boiling coffee was not in it as often as it used to be; his mother was depressed and his father quarrelsome, even Gusta had changed; he would be sure to encounter that lover of hers, that plumber whom he hated. He squeezed the roll of bills in his pocket; suddenly, too, he remembered his new revolver and pressed it against his thigh, and he had pleasure in that. He went out into the street. After all, the darkness was kind; there were glaring and flashing electric lights along the street, of course; the cheap restaurant across the way was blazing, people were drifting in and out, but they were not exactly the same kind of people in appearance that had thronged the streets by day. There was a new atmosphere—a more congenial atmosphere, for night had come, and had brought a change and a new race of people to the earth—a race that lived and worked by night, with whom Archie felt a kinship. He did not hate them as he was unconsciously growing to hate the people of the daylight. He saw a lame hot-tamale man in white, hobbling up the street, painfully carrying his steaming can; he saw cabmen on their cabs down toward Cherokee Street; he saw two girls, vague, indistinct, suggestive, flitting hurriedly by in the shadows; the electric lights were blazing with a hard fierce glare, but there were shadows, deep and black and soft. He started toward Cherokee Street; he squeezed the money in his pocket; he was somehow elated with the independence it gave him. At the corner he paused again; he had

no plan, he was drifting along physically just as he was morally, following the line of least resistance, which line, just then, was marked by the lights along Market Place. He started across that way, when all at once a hand took him by the lapel of his coat and Kouka's black visage was before him. Archie looked at the detective, whose eyes were piercing him from beneath the surly brows that met in thick, coarse, bristling hairs across the wide bridge of his nose.

"Well," said Kouka, "so I've got you again!"

Archie's heart came to his throat. A great rage suddenly seized him, a hatred of Kouka, and of his black eyes; he had a savage wish to grind the heel of his boot heavily, viciously, remorselessly into that face, right there where the eyebrows met across the nose—grinding his heel deep, feeling the bones crunch beneath it. For some reason Kouka suddenly released his hold.

"You'd better duck out o' here, young fellow," Kouka was saying. "You hear?"

Archie heard, but it was a moment before he could fully realize that Kouka knew nothing after all.

"You hear?" Kouka repeated, bringing his face close to Archie's.

"Yes, I hear," said Archie sullenly, as it seemed, but thankfully.

"Don't let me see you around any more, you—"

Archie, saved by some instinct, did not reply, and he did not wait for Kouka's oath, but hurried away, and Kouka, as he could easily feel, stood watching him. He went on half a block and paused in a shadow. He saw Kouka still standing there, then presently saw him turn and go away.

Archie paused in the shadow; he thought of Kouka, remembering all the detective had done to him; he remembered those forty days in the workhouse; he thought of Bostwick, of the city attorney, of the whole town that seemed to stand behind him; the bitterness of those days in the workhouse came back, and the force of all the accumulated hatred and vengeance that had been spent upon him was doubled and quadrupled in his heart, and he stood there with black, mad, insane thoughts clouding his reason. Then he gripped his roll of money, he pressed his new revolver, and he felt a kind of wild, primitive, savage satisfaction,—the same primitive satisfaction that Kouka, and Bostwick, the city attorney, the whole police force, and the whole city had seemed to take in sending him to the workhouse. And then he went on toward the tenderloin.

III

Gibbs, never sure that the police would keep their word with him, rose earlier than usual the next morning, ate his breakfast, called a cab—he had an eccentric fondness for riding about in hansom-cabs—and was driven rapidly to the corner of High and Franklin Streets, the busiest, most distracting corner in the city. There the enormous department store of James E. Bills and Company occupied an entire building five stories high. The store was already filled with shoppers, mostly women, who crowded about the counters, on which all kinds of trinkets were huddled, labeled with cards declaring that the price had just been reduced. The girls behind the counters, all of whom were dressed in a certain extravagant imitation of the women who came every day to look these articles over, were already tired; their eyes lay in dark circles that were the more pronounced because their cheeks were covered with powder, and now and then they lifted their hands, their highly polished finger-nails gleaming, to the enormous pompadours in which they had arranged their hair. Many of the women in the store, clerks and shoppers, wore peevish, discontented expressions, and spoke in high ugly voices; the noise of their haggling filled the whole room and added to the din made by the little metal money-boxes that whizzed by on overhead wires, and increased the sense of confu-

sion produced by the cheap and useless things which, with their untruthful placards, were piled about everywhere. The air in the store was foul and unwholesome; here and there pale little girls who carried bundles in baskets ran about on their little thin legs, piping out shrill numbers.

Gibbs was wearied the moment he entered, and irritably waved aside the sleek, foppish floor-walker. The only person to whom he spoke as he passed along was a private detective leaning against one of the counters; Gibbs had already had dealings with him and had got back for him articles that had been stolen by certain women thieves who were adept in the art of shoplifting. Gibbs went straight back to the elevator and was lifted out of all this din and confusion into the comparative quiet of the second floor, where the offices of the establishment occupied a cramped space behind thin wooden partitions. Gibbs entered the offices and glanced about at the clerks, who worked in silence; on each of them had been impressed a subdued, obedient demeanor; they glanced at Gibbs surreptitiously. It was plain that all spirit had been drilled out of them; they were afraid of something, and, driven by their necessities, they toiled like machines. Gibbs felt a contempt for them as great as the contempt he felt for the floor-walkers below, a contempt almost as great as that he had for Bills himself. A timid man of about forty-five, with a black beard sprouting out of the pallor of his skin, came up, and lifted his brows with amazement when Gibbs, ignoring him, made plainly for the door that was lettered: "Mr. Bills."

"Mr. Bills is engaged just now," the man said in a hushed tone.

"Well, tell him Mr. Gibbs is here."

"But he's engaged just now, sir; he's dictating." The man leaned forward and whispered the word "dictating" impressively.

But Gibbs kept on toward the door; then the man blocked his way.

"Tell him if you want to," said Gibbs, "if not, I will."

It seemed that Gibbs might walk directly through the man, who retreated from him, and, having no other egress, went through Mr. Bills's door. A moment more and he held it open for Gibbs.

Bills was sitting at an enormous desk which was set in perfect order; on either side of him were baskets containing the letters he was methodically answering. Bills's head showed over the top of the desk; it was a round head covered with short black hair, smoothly combed and shining. His black side-whiskers were likewise short and smooth. His neck was bound by a white collar and a little pious, black cravat, and he wore black clothes. His smoothly-shaven lips were pursed in a self-satisfied way; he was brisk and unctuous, very clean and proper, and looked as if he devoutly anointed himself with oil after his bath. In a word, he bore himself as became a prominent business man, who, besides his own large enterprise, managed a popular Sunday-school, and gave Sunday afternoon "talks" on "Success," for the instruction of certain young men of the city, too mild and acquiescent to succeed as anything but conformers.

"Ah, Mr. Gibbs," he said. "You will excuse me a moment."

Bills turned and resumed the dictation of his stereotyped phrases of business. He dictated several letters,

then dismissed his stenographer and, turning about, said with a smile:

"Now, Mr. Gibbs."

Gibbs drew his chair close to Bills's desk, and, taking a package from his pocket, laid out the stamps.

"One hundred sheets of twos, fifty of ones," he said.

Bills had taken off his gold glasses and slowly lowered them to the end of their fine gold chain; he rubbed the little red marks the glasses left on the bridge of his nose, and in his manner there was an uncertainty that seemed unexpected by Gibbs.

"I was about to suggest, Mr. Gibbs," said Bills, placing his fingers tip to tip, "that you see our Mr. Wilson; he manages the mail-order department, now."

"Not for mine," said Gibbs decisively. "I've always done business with you. I don't know this fellow Wilson."

Bills, choosing to take it as a tribute, smiled and went on:

"I think we're fully stocked just now, but—how would a sixty per cent. proposition strike you?"

"No," said Gibbs, as decisively as before.

"No?" repeated Bills.

"No," Gibbs went on, "seventy-five."

Bills thought a moment, absently lifting the rustling sheets.

"How many did you say there were?"

"They come to one-fifty," said Gibbs; "count 'em."

Bills did count them, and when he had done, he said:

"That would make it one-twelve-fifty?"

"That's it."

"Very well. Shall I pass the amount to your credit?"

"No; I'll take the cash."

"I thought perhaps Mrs. Gibbs would be wanting some things in the summer line," said Bills.

Gibbs shook his head.

"We pay cash," said he.

Bills smiled, got up, walked briskly with a little spring to each step and left the room. He returned presently, closed the door, sat down, counted the bills out on the leaf of his desk, laid a silver half-dollar on top and said:

"There you are."

Gibbs counted the money carefully, rolled it up deliberately and stuffed it into his trousers pocket.

Gibbs had one more errand that morning, and he drove in his hansom-cab to the private bank Amos Hunter conducted as a department of his trust company. Gibbs deposited his money, and then went into Hunter's private office. Hunter was an old man, thin and spare, with white hair, and a gray face. He sat with his chair turned away from his desk, which he seldom used except when it became necessary for him to sign his name, and then he did this according to the direction of a clerk, who would lay a paper before him, dip a pen in ink, hand it to Hunter, and point to the space for the signature. Hunter was as economical of his energy in signing his name as in everything else; he wrote it "A. Hunter." He sat there every day without moving, as it seemed, apparently determined to eke out his life to the utmost. His coachman drove him down town at ten each morning, at four in the afternoon he came and drove him home again. It was only through the windows of the carriage and through the windows of his private office that Hunter looked

out on a world with which for forty years he had never come in personal contact. His inert manner gave the impression of great age and senility; but the eyes under the thick white brows were alert, keen, virile. He was referred to generally as "old Amos."

Gibbs went in, a parcel in his hand.

"Just a little matter of some mutilated currency," he said.

Old Amos's thin lips seemed to smile.

"You may leave it and we'll be glad to forward it to Washington for you, Mr. Gibbs," he said, without moving.

Gibbs laid the bundle on old Amos's desk, and, taking up a bit of paper, wrote on it and handed it to Hunter.

"Have you a memorandum there?" asked Hunter. He glanced at the paper and wrote on the slip:

"A. H."

Then he resumed the attitude that had scarcely been altered, laid his white hands in his lap and sat there with his thin habitual smile.

Gibbs thanked him and went away. His morning's work among the business men of the city was done.

IV

It promised to be a quiet evening at Danny Gibbs's. There had been a vicious electrical storm that afternoon, but by seven o'clock the lightning played prettily in the east, the thunder rolled away, the air cooled, and the rain fell peacefully. The storm had been predicted to Joe Mason in the rheumatism that had bitten his bones for two days, but now the ache had ceased, and the relief was a delicious sensation he was content simply to realize. He sat in the back room, smoking and thinking, a letter in his hand. Gibbs's wife had gone to bed—she had been drinking that day. Old Johnson, the sot who, by acting as porter, paid Gibbs for his shelter and the whisky he drank—he ate very little, going days at a time without food—had set the barroom in order and disappeared. Gibbs was somewhere about, but all was still, and Mason liked it so. From time to time Mason glanced at the letter. The letter was a fortnight old; it had been written from a workhouse in a distant city by his old friend Dillon, known to the yeggs as Slim. Mason had not seen Dillon for a year—not, in fact, since they had been released from Dannemora. This was the letter:

Old Pal—I thought I would fly you a kite, and take chances of its safe arrival at your loft. I was lagged wrong, but I am covered and strong and the bulls can't throw me. I am only here for a whop, and I'll hit the

road before the dog is up. I have filled out a country jug that can be sprung all right. We can make a safe lamas. There is a John O'Brien at 1:30 A. M., and a rattler at 3:50. The shack next door is a cold slough, and the nearest kip to the joint is one look and a peep. There is a speeder in the shanty, and we can get to the main stem and catch the rattler and be in the main fort by daylight. The trick is easy worth fifty centuries. Now let me know, and make your mark and time. I am getting this out through a broad who will give it to our fall-back, you know who.

Yours in durance vile,

SLIM.

Mason had not answered the letter, and only the day before Dillon had appeared, bringing with him a youth called Squeak. And now this night, as Mason sat there, he did not like to think of Dillon. Dillon had traveled hundreds of miles by freight-trains to be with Mason, to give him part in his enterprise; he had been to the little town and examined the bank; he had even entered it by night alone. He had laid his plans, and, like all his kind, could not conceive of their miscarrying. He had estimated the amount they would procure; he considered five thousand dollars a conservative estimate. It was the big touch, of which they were always dreaming as a means of reformation. But Mason had refused. Then Dillon asked Curly, and Curly refused. Mason gave Dillon no reason for his refusal, but Curly contended that summer was not the time for such a big job; the nights were short and people slept lightly, with open windows, even if the old stool-pigeon was not up. Dillon had taunted him and hinted contemptuously at a broad. They had al-

most come to blows. Finally Dillon had left, taking with him Mandell and Squeak and Archie—all eager to go.

Mason sat there and thought of Dillon and his companions. He could imagine them on the John O'Brien, jolting on through the rain, maybe dropping off when the train stopped, to hide under some water-tank, or behind some freight-shed—he had done it all so many, many times himself. Still he tried not to think of Dillon, for he could not do so without a shade of self-reproach; it seemed like pigging to refuse Dillon as he had; they had worked so long together. Dillon's long, gaunt figure presented itself to his memory as crouching before some old rope mold, a bit of candle in his left hand, getting ready to pour the soup, and then memory would usually revert to that night when Dillon had suddenly doused the candle—but not before Mason had caught the gleam in his eyes and the setting of his jaw—and, pulling his rod, had barked suddenly into the darkness. Then the flight outside, the rose-colored flashes from their revolvers in the night, the race down the silent street—white snow in the fields across the railroad tracks, and the bitter cold in the woods.

He shook his head as if to fling the memories from him. But Dillon's figure came back, now in the front rank of his company, marching across the hideous prison yard, his long legs breaking at the middle as he leaned back in the lock-step. Mason tried to escape these thoughts, but they persisted. He got a newspaper, but understood little of what he read, except one brief despatch, which told of a tramp found cut in two beside the tracks, five hundred dollars sewed in his coat. The despatch wondered how a hobo could have so

much money, and this amused Mason; he would tell Gibbs, and they would have a laugh—their old laugh at the world above them. Then they themselves would wonder—wonder which one of the boys it was; it might be weeks before the news would reach them in an authoritative form. He enjoyed for a moment his laugh at the stupid world, the world which could not understand them in the least, the world which shuddered in its ignorance of them. Then he thought of Dillon again. Dillon had never refused him; he had not refused him that evening in northern Indiana, when the sheriff and the posse of farmers, armed with pitchforks and shot-guns and old army muskets, had brought them to bay in the wheat stubble; his ammunition had given out, but old Dillon, with only three cartridges left, had stood cursing and covering his retreat. Mason was beginning to feel small about it, and yet—Dillon did not understand; when he came back he would explain it all to him. This notion gave him some comfort, and he lighted his cigar, turned to his newspaper again, and listened for the rain falling outside. Suddenly there was a noise, and Mason started. Was that old Dillon crouching there beside him, his face gleaming in the flicker of the dripping candle? He put his hand to his head in a kind of daze.

"Je's!" he exclaimed. "I'm getting nutty."

He was troubled, for his head had now and then gone off that way in prison—they called it stir simple. Mason sat down again, but no longer tried to read. He heard the noise in the bar-room, the noise of high excitement, and he wondered. His curiosity was great, but he had learned to control his curiosity. He could hear talking, laughing, cursing, the shuffle of feet, the

clink of glasses—some sports out for a time, no doubt. In a moment the door opened and Gibbs appeared.

"Where's Kate?" he demanded.

"She went to bed half an hour ago," said Mason. "Why—what's the excitement?"

"Eddie Dean's here—come on out." Gibbs disappeared; the door closed.

Mason understood; no wonder the place thrilled with excitement. He had heard of Eddie Dean. Down into his world had come stories of this man, of his amazing skill and cleverness, of the enormous sums he made every year—made and spent. Dean had the fascination for Mason that is born of mystery; he had had Dean's methods and the methods of other big-mitt men described to him; he had heard long discussions in sand-house hang-outs and beside camp-fires in the woods, but the descriptions never described; he could never grasp the details. He could understand the common, ordinary thefts; he could see how a pickpocket by long practice learned his art, but the kind of work that Dean did had something occult in it. How a man could go out, wearing good clothes, and, without soiling his fingers, merely by talking and playing cards, make such sums of money—Mason simply could not realize it. Surely it was worth while to have a look at him. He started out, then he remembered; he passed his hand over the stubble of hair that had been growing after the shaving at the workhouse, and he picked up his low-crowned, narrow-brimmed felt hat—the kind worn by the brakemen he now and then wished to be taken for—pulled it down to his eyebrows, and went out.

Eddie Dean, who stood at the bar in the blue clothes

that perfectly exemplified the fashion of that summer, was described in the police identification records as a man somewhat above medium size, and now, at forty, he was beginning to take on fat. His face was heavy, and despite the fact that his nose was twisted slightly to one side, and his upper lip depressed where it met his nose, the women whom Dean knew considered him handsome. His face was smooth-shaven and blue, like an actor's, from his heavy beard. His mouth was large, and his lips thin; he could close them and look serious and profound; and when he smiled and disclosed the gold fillings in his teeth, he seemed youthful and gay. His face showed vanity, a love of pleasure, vulgarity, selfishness, sensuality accentuated by dissipation, and the black eyes that were so sharp and bright and penetrating were cruel. Mason, however, could not analyze; he only knew that he did not like this fellow, and merely grunted when Gibbs introduced him, and Dean patronizingly said, without looking at him:

"Just in time, my good fellow."

Then he motioned imperiously to the bartender, who took down another wine-glass, wiped it dexterously, and set it out with an elegant flourish and filled it. Mason watched the golden bubbles spring from the hollow stem to the seething surface. He did not care much for champagne, but he lifted his glass and looked at Dean, who was saying:

"Here's to the suckers—may they never grow less."

The others in the party laughed. Besides Gibbs, who was standing outside his own bar like a visitor, there were Nate Rosen, a gambler, dressed more conspicuously than Dean; a small man in gray, with strange pale eyes fastened always on Dean; and a third man in

tweeds, larger than either, with broad shoulders, heavy jaw and an habitual scowl. Beyond him, apart, with the truckling leer of the parasite, stood a man in seedy livery, evidently the driver of the carriage that was waiting outside in the rain.

Dean's history was the monotonous one of most men of his kind. Having a boy's natural dislike for school, he had run away from home and joined a circus. At first he led the sick horses, then he was hired by one of the candy butchers and finally allowed to peddle on the seats; there he learned the art of short change, and when he had mastered this he sold tickets from a little satchel outside the tents; by the time he was twenty-five he knew most of the schemes by which the foolish, seeking to get something for nothing, are despoiled of their money. He was an adept at cards; he knew monte and he could work the shells; later he traveled about, cheating men by all kinds of devices, aided by an intuitive knowledge of human nature. He could go through a passenger train from coach to coach and pick out his victims by their backs. As he went through he would suddenly lose his balance, as if by the lurching of the train, and steady himself by the arm of the seat in which his intended victim sat. His confederate, following behind, would note and remember. Later, he would return and invite him to make a fourth hand at whist or pedro or some other game. Dean would do the rest. He went to all large gatherings—political conventions, especially national conventions, conclaves, celebrations, world's fairs, the opening of any new strip of land in the West, the gold-fields of Alaska, and so on. He had roamed all over the United States; he had been to Europe, and Cuba, and Jamaica, and Old Mex-

ico; he had visited Hawaii; he boasted that he had traveled the whole world over—"from St. Petersburg to Cape Breton" was the way he put it, and it impressed his hearers all the more because most of them had none but the most confused notion of where either place was. He boasted, too, that United States senators, cabinet officers, congressmen, governors, financiers and other prominent men had been among his victims, and many of these boasts were justified—by the facts, at least.

The atmosphere of the bar-room had been changed by the arrival of Dean. It lost its usual serenity and quivered with excitement. The deference shown to Dean was marked in the attitude of the men in his suite; it was marked, too, by the bartender's attitude, and even in that of Gibbs, though Gibbs was more quiet and self-contained, bearing himself, indeed, quite as Dean's equal. He did not look at Dean often, but stood at his bar with his head lowered, gazing thoughtfully at the glass of mineral water he was drinking, turning it round and round in his fingers, with a faint smile on his lips. But no one could tell whether the amusement came from his own thoughts or the little adventures Dean was relating.

"No, I'm going out in the morning," Dean was saying, the diamond on his white, delicate hand flashing as he lifted his glass.

"Which way?" asked Gibbs.

"I'm working eastward," said Dean. "Here!" he turned to the bartender, "let's have another—and get another barrel of water for Dan."

He smiled with what tolerance he could find for a man who did not drink.

"How much of that stuff do you lap up in a week, Dan?"

"Oh, I don't know," Gibbs said. He was not quick at repartee.

"Well, slush up, but don't make yourself sick," Dean went on.

The bartender, moving briskly about, pressed the cork from a bottle, poured a few drops into Dean's glass, and then proceeded to fill the other glasses.

"Well, how's the graft?" Gibbs asked presently.

"Oh, fairly good," said Dean. "A couple of bucks yesterday." He switched his leg with the slender stick he carried.

Gibbs's eyes lighted with humorous interest and pleasure.

"They were coming out of St. Louis," Dean went on, and then, as if he had perhaps given an exaggerated impression of the transaction, he went on in a quick, explicatory way: "Oh, it didn't amount to much—just for the fun of the thing, you know. But say, who do you think I saw in St. Louis?"

"Don't know," said Gibbs, shaking his head.

"Why, old Tom Young."

"No!" exclaimed Gibbs, looking up in genuine interest and surprise.

"Sure," said Dean.

"What's he doing?"

"He made the big touch, quit the business, got a farm in Illinois, and settled down with Lou. The girl's grown up, just out of a seminary, and the boy's in college. He said he'd like me to see the place, but he wouldn't take me out 'cause the girl was home then. Remember the old joint in the alley?"

Gibbs's eyes kindled with lively memories.

"Remember that afternoon Bob's man came down for the brace-box? I can see Tom now—he gets the box and says, 'Tell Bob not to frisk him.' God! They sent that mark through the alley that afternoon to a fare-you-well. And they had hell's own time keepin' the box in advance of 'em—it was the only one in the alley. Remember?"

Gibbs remembered, but that did not keep Dean from relating the whole story.

"What became of Steve Harris?" Dean asked.

"He's out with the rag, I guess," Gibbs replied.

"I heard Winnie sold her place."

"Oh, yes," said Gibbs; "bought a little home in the swell part—quiet street and all that—and they're living there happy as you please."

"Well, that's good," said Dean. "Steve and me was with the John Robinson show in the old days. He was holdin' a board for the monte tickets, and old Pappy King was cappin' for the game. I remember one night in Danville, Kentucky"—and Dean told another story. The stories were all alike, having for their theme the despoilment of some simpleton who had tried to beat Dean or his confederates at one of their own numerous games.

"I was holding the shingle for Jim Steele when he was playing the broads, you understand. He was the greatest spieler ever. I can see him now, taking up the tickets, looking around and saying: 'Is there a speculator in the party?'"

Dean's face was alight with the excitement of dramatizing the long-past scene. He laid his stick on the bar and bent over, with his white fingers held as if they

poised cards. He was a good mimic. One could easily imagine the scene on the trampled grass, with the white canvas tents of the circus for a background.

"Dick Nolan and Joe Hipp were capping, and Dick would come up—he had the best gilly make-up in the world, you understand, a paper collar, a long linen duster and big green mush—he'd look over the cards—see?"—Dean leaned over awkwardly like a countryman, pointing with a crooked forefinger—"and then he'd say, 'I think it's that one.'"

His voice had changed; he spoke in the cracked tone of the farmer, and his little audience laughed.

"Well, the guy hollers, you understand, but at the come-back they're all swipes—working in the horse tents; you'd never know 'em. And then," Dean went on, with the exquisite pleasure of remembering, "old Ben Mellott was there working the send—you remember Ben, Dan?"

Gibbs nodded.

"Jake Rend was running the side-show, and old Jew Cohen had a dollar store—a drop-case, you know."

Gibbs nodded again. Dean grew meditative, and a silence fell on the group.

"We had a great crowd of knucks, too; the guns today are nothing to them. Those were the days, Dan. Course, there wasn't much in it at that."

Dean meditated over the lost days a moment, and then he grew cheerful again.

"I met Luke Evans last fall, Dan," he began again. "In England. The major and I were running between London and Liverpool, working the steamer trains, and him and me—"

And he was off into another story. Having taken up

his English experience, Dean now told a number of vulgar stories, using the English accent, which he could imitate perfectly. While in the midst of one of them, he suddenly started at a footfall, and looked hastily over his shoulder. A man came in, glanced about, and came confidently forward.

"Good morning, Danny," he said, in a tone of the greatest familiarity.

Gibbs answered the greeting soberly, and then, at a sign from the man, stepped aside rather reluctantly and whispered with him. Dean eyed them narrowly, took in the fellow's attire from his straw hat to his damp shoes, and, when he could catch Gibbs's eye, he crooked his left arm, touched it significantly, and lifted his eyebrows in sign of question. Gibbs shook his head in a negative that had a touch of contempt for the implication, and then drew the man toward the bar. Without the man's seeing him or hearing him, Dean touched his arm again and said to Gibbs softly:

"Elbow?"

"No," said Gibbs, "reporter."

Then he turned and, speaking to the new-comer, he presented him to Dean, saying:

"Mr. Jordon, make you acquainted with Mr. Wales, of the *Courier*."

"Glad to meet you, Mr. Jordon," said the newspaper man.

"Ah, chawmed, I'm suah," said Dean, keeping to the English accent he had just been using. "I say, won't you join us?"

The bartender, at a glance from Dean, produced another bottle of champagne; the newspaper man's eyes glistened with pleasure. Dean was taking out his

cigarette case. Wales glanced at the cigarettes, and Dean hastened to proffer them. In conversation with the reporter Dean impersonated an English follower of the turf who had brought some horses to America. As he did this, actor that he was, he became more and more interested in his impromptu monologue, assumed the character perfectly and lived into it, and the others there who knew of the deceit he was practising on the reporter—he was nearly always practising some sort of deceit, but seldom so innocently as now—were utterly delighted; they listened to his guying until nearly midnight, when Dean, having sustained the character of the Englishman for more than two hours, grew weary and said he must go. As he was leaving he said to the reporter:

"You've been across, of course? No? Well, really now, that's quite too bad, don't you know! But I say, whenever you come, you must look me up, if you don't mind, at Tarlingham Towers. I've a bit of a place down in the Surrey country; I've a beast there that's just about up to your weight. Have you ever ridden to the hounds?"

The reporter was delighted; he felt that a distinction had been conferred upon him. Wishing to show his appreciation, he asked Dean, or Jordan, as he was to him, if he might print an interview. Dean graciously consented, and the reporter left for his office, glad of a story with which to justify to his city editor, at least partly, his wasted evening.

When Dean had gone, taking his three companions with him, Gibbs and Mason sat for a long while in the back room.

"So that's Eddie Dean!" said Mason.

"Yes," said Gibbs, "that's him."

"And what's his graft?"

"Oh," said Gibbs, "the send, the bull con, the big mitt, the cross lift—anything in that line."

"And those two other guys with him?" asked Mason.

"That little one is Willie the Rat, the other is Gaffney."

"Sure-thing men, too?"

"Yes, they're in Ed's mob."

Mason was still for a while, then he observed:

"Je's! He did make a monkey of that cove!"

Gibbs laughed. "Oh, he's a great cod! Why, do you know what he did once? Well, he went to Lord Paisley's ball in Quebec, impersonating Sir Charles Jordon —that's why I introduced him as Mr. Jordon tonight." Gibbs's eyes twinkled. "He went in to look for a rummy, but the flatties got on and tipped him off."

"He's smart."

"Yes, the smartest in the business. He's made several ten-century touches."

Gibbs thought seriously a moment and then said:

"No, he isn't smart; he's a damn fool, like all of them."

"Fall?"

"Yes, settled twice; done a two-spot at Joliet and a finiff at Ionia."

Mason knit his brows and thought a long time, while Gibbs smoked. Finally Mason shook his head.

"No," he said, "no, Dan, I don't get it. I can understand knocking off a peter—the stuff's right there. All you do is to go take it. I can understand a hold-up, or a heel, or a prowl; I can see how a gun reefs a britch kick and gets a poke—though I couldn't put my

hand in a barrel myself and get it out again—without breaking the barrel. I haven't any use for that kind, which you know—but these sure-thing games, the big mitt and the bull con—no, Dan, I can't get hip."

Gibbs laughed.

"Well, I can't explain it, Joe. You heard him string that chump to-night."

Mason dropped that phase of the question and promptly said:

"Dan, I suppose there's games higher up, ain't they?"

Gibbs laughed a superior laugh.

"Higher up? Joe, there's games that beat his just as much as his beats yours. I could name you men—" Then he paused.

Mason had grown very solemn. He was not listening at all to Gibbs, and, after a moment or two, he looked up and said earnestly:

"Dan, what you said a while back is dead right. I'm a damn fool. Look at me now—I've done twenty years, and in all my time I've had less than two thousand bucks."

Gibbs was about to speak, but Mason was too serious to let himself be interrupted.

"I was thinking it all over to-night, and I decided—know what I decided?"

Gibbs shook his head.

"I decided," Mason went on, "to square it without waiting for the big touch." Gibbs was not impressed; the good thieves were always considering reformation. "I know I can't get anything to do—I'm too old, and besides—well, you know." Mason let the situation speak for itself. "I'm about all in, but I was thinking, Dan, this here place you've got in the country, can't

you—" Mason hesitated a little—"can't you let me work around there? Just my board and a few clothes?" Mason leaned forward eagerly.

"You know, Joe," said Gibbs, seeing that Mason was serious, "that as long as I've got a place you can have a home with me. I'm going to take Kate out there and live. I've got the place almost paid for."

Mason leaned back, tried to speak, paused, swallowed, and moistened his lips.

"I worried about Slim to-night," he managed to say presently. It was hard for him to give utterance to thoughts that he considered sentimental. "My treating him so, you see—that I decided; I want to try it. That's why I wouldn't go with him; he didn't understand, but maybe I can explain. As I was thinking to-night, my head went off again—that stir simple, you know."

He raised his hand to his head and Gibbs was concerned.

"You'd better take a little drink, Joe," he said.

After Gibbs had brought the whisky, they sat there and discussed the future until the early summer dawn was red.

V

Dillon, Archie, Mandell and Squeak had left the city that morning. Dillon was gloomy and morose because Mason had refused to join him. He had been disappointed, too, in Curly, but not so much surprised, for Curly was so strange and mysterious that nothing he might do could surprise his friends. Cedarville was far away, in Illinois, and long before daylight the four men had started on their journey in a freight-train. Dillon's plan was to rob the bank that night. He had chosen Saturday night because a Sunday would probably intervene before discovery, and thus give them time to escape. But the journey was beset by difficulties; the train spent long hours in switching, in cutting out and putting in cars, and at such times the four men had been compelled to get off and hide, lest the trainmen detect them. Besides, the train made long inexplicable stops, standing on a siding, with nothing to mar the stillness but the tired exhaust of the engine and the drone of the wide country-side. At noon the empty box-car in which the men had been riding was cut out and left stranded at a village; after that, unable to find another empty car, they rode on a car that was laden with lumber, but this, too, was cut out and left behind. Then they rode in most uncomfortable and dangerous positions on the timber-heads over the couplings. Halfway to Cedarville they met the storm. It had been

gathering all the morning, and now it broke suddenly; the rain came down in torrents, and they were drenched to the skin. Mandell, who was intensely afraid of lightning, suffered agonies, and threatened to abandon the mob at the first opportunity. Late in the afternoon, just as the train was pulling into the village of Romeo, the rear brakeman discovered them, called the conductor and the front brakeman, and ordered the men to leave the train.

"Stick and slug!" cried Mandell, made irritable by the storm. But Dillon repressed him.

"Unload!" he commanded. "Don't goat 'em."

Archie, on the other side of the car, had not been seen clearly by the trainmen, but the others had, and though Dillon made them all get off, he could not keep Squeak from stopping long enough to curse the trainmen with horrible oaths. Then the train went on and left them.

At evening they went into the woods and built a fire. There were discouragements as to the fire; the wood was wet, but finally they achieved a blaze, and Dillon went into the village after food. When he returned the fire was going well, the men had dried their clothes, and their habitual spirits had returned. In the water of a creek Dillon washed the can he had found, and made tea; they cooked bacon on pointed sticks, broke the bread and cheese, and ate their supper. Then, in the comfort that came of dry clothes and warmth and the first meal they had eaten that day, they sat about, rolled cigarettes, and waited for the night. Then darkness fell, Dillon made them put out the fire, and they tramped across the fields to the railroad.

"We'll wait here for the John O'Brien," said Dillon,

when they came to the water-tank. "We must get the jug to-night—that'll give us all day to-morrow for the get-away."

They waited then, and waited, while the summer night deepened to silence; once, the headlight of an engine sent its long light streaming down the track; they made ready; the train came swaying toward them.

"Hell!" exclaimed Mandell, in the disappointment that was common to all of them. "It's a rattler!" And the lighted windows of a passenger-train swept by.

They waited and waited, and no freight-train came. At midnight, when they were all stiff and cold, Dillon ordered them into the village. They were glad enough to go. In the one business street of the town they found a building in which a light gleamed. They glanced through a window; it was the post-office. Then Dillon changed his plan in that ease with which he could change any plan, and forgot the little bank at Cedarville. He placed Squeak at the rear of the building, Mandell in the front.

"Come on, Dutch," he said.

He took Archie with him because he was not so sure of him as he was of the two other men, though Archie felt that he had been honored above them. He followed Dillon into the deep shadows that lay between the post-office and the building next door. He kept close behind Dillon, and watched with excitement while Dillon's tall form bent before one of the windows. Dillon was groping; presently he stood upright, his back bowed, he strained and grunted and swore, then the screws gave, and Dillon wrenched the little iron bars from the windows.

"Come on," he said.

He was crawling through the window; Archie followed.

Inside, Dillon stood upright, holding Archie behind him, and peered about in the dim light from the oil lamp that burned before a tin reflector on the wall. The safe was in the light. Dillon looked back, made a mental note of the window's location, and put out the lamp. Then he lighted a candle and knelt before the safe.

Archie stood with his revolver in his hand; Dillon laid his on the floor beside him. Then from the pocket of his coat he drew out some soap; a moment more and Archie could see him plastering up the crevices about the door of the safe, leaving but one opening, in the middle of the top of the door. Then out of the soap he fashioned about this opening a crude little cup. Archie watched intently. Dillon worked rapidly, expertly, and yet, as Archie noted, not so rapidly nor so expertly as Curly had worked. Curly was considered one of the most skilful men in the business, but Dillon was older and could tell famous tales of the old days when they had blown gophers—the days when they used to drill the safes and pour in powder. Dillon's age was telling; his fingers were clumsy and knotted with rheumatism, and now and then they trembled.

"Now the soup," Dillon was saying, quite to himself, and he poured the nitroglycerin from a bottle into the little cup he had made of soap.

"And the string," said Archie, anxious to display his knowledge.

"Cheese it!" Dillon commanded.

He was fixing a fulminating cap to the end of a fuse, and he inserted this into the cup. Then he plastered it

Archie could see him plastering up the crevices *Page 206*

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all over with soap, picked up his revolver, lighted the slow fuse from the candle, and, rising quickly, he stepped back, drawing Archie with him. They stood in a corner of the room watching the creeping spark; a moment more and there was the thud of an explosion, and Dillon was springing toward the safe; he seized the handle, opened the heavy door, and was down with his candle peering into its dark interior. He went through it rapidly, drew out the stamps and the currency and the coin. Another moment and they were outside. Mandell and Squeak were where Dillon had left them.

"All right," Dillon said. "Lam!"

VI

A week later, returning by a roundabout way, Dillon and his companions came back to town. That night Dillon, Archie, Squeak, Mandell and Mason were arrested. When Archie was taken up to the detectives' office and found himself facing Kouka, his heart sank.

"Couldn't take a little friendly advice, could you?" said Kouka, thrusting forward his black face.

Archie was dumb.

"Where'd you get that gat?" Kouka demanded.

Still Archie was dumb.

"You might as well tell," Kouka said. "Your pals have split on you."

Archie had heard of that ruse; he did not think any of them would confess, and he was certain they had not done so when Kouka referred to his revolver, for no one but Jackson knew where he had got the weapon. After an hour Kouka gave it up, temporarily at least, and sent Archie back to the prison.

The next morning all five men were taken to the office of the detectives. Besides Kouka, Quinn and Inspector McFee, there were two others, one of whom the prisoners instantly recognized as Detective Carney. Dillon and Mason had long known Carney, and respected him; he was the only detective in the city whom they did respect, for this silent, undemonstrative man, with the weather-beaten face, white hair and shrewd blue eyes, had a profound knowledge of all classes of thieves

and their ways. Indeed, this knowledge, which made Carney the most efficient detective in the city, militated against him with his superiors; he knew too much for their comfort. As for Kouka and the other detectives, they were jealous of him, though he never interfered in their work nor offered suggestion or criticism; but they all felt instinctively that he contemned them. When Dillon saw Carney his heart sank; Mason's, on the contrary, rose. Carney gave no sign of recognition; it was plain that he was a mere spectator. But when Dillon saw the other man he whispered to Mason out of the corner of his mouth:

"It's all off."

This man was a tall, well-built fellow, with iron-gray hair, a ruddy face and a small black mustache above full red lips; he was dressed in gray, and he bore himself as something above the other officers present because he was an United States inspector. His name was Fallen. He glanced at the five men, and smiled and nodded complacently.

"I thought it looked like one of your jobs," he said, addressing Dillon and Mason jointly. Dillon could not refrain from nudging Mason, and in the same instant he caught Carney's eye. Carney winked quietly, and Dillon smiled, and to hide the smile, self-consciously ducked his head and spat out his tobacco.

"Well," said Fallen, "I'm much obliged to you men." He included McFee officially, and Kouka and Quinn personally in this acknowledgment. "I'll have the marshal come for them after dinner. I want Mason there and Dillon"—he pointed fiercely and menacingly—"and Mandell and that kid." He was indicating Squeak. "What's your name?" he demanded.

Squeak hesitated, then said: "Davis."

Fallen laughed in his superior, federal way, and said: "That'll do as well as any."

Then he looked at Archie.

"I don't want him," he said. "He doesn't belong to this gang; he wasn't there. There were only four of them. You can cut him out."

Kouka and Quinn looked at each other in surprise; they were about to protest. In Archie's heart, as he watched this little drama, a wild hope flamed. Carney, too, looked up, showing the first interest he had evinced. Something in his look deterred Fallen, held his eye. He knew Carney and his reputation; his glance plainly implied a question.

"You're wrong on that fellow Mason," said Carney.

Fallen looked at him, then at Mason; then he smiled his superior smile.

"Oh, I guess not," he said lightly. He turned away with his complacent, insulting smile.

"All right," said Carney. "You've got him wrong, that's all. He's been here in town for three weeks. Of course, it's nothing to me—'tain't my business." He plunged his hands in his trousers pockets and walked over to the window.

The men in the chained line shuffled uneasily.

"Do I get out now?" Archie asked.

Kouka laughed.

"Yes—when I'm through with you."

That afternoon Dillon, Mason, Mandell and Squeak were taken to the county jail on warrants charging them with the robbery of the post-office at Romeo.

Gibbs appeared at the jail early that evening, his blue eyes filled with a distress that made them almost

as innocent as they must have been when he was a little child.

"I just heard of the pinch," he said apologetically.

"Didn't they send you word last night?" asked Dillon.

Gibbs shook his head impatiently, as if it were useless to waste time in discussing such improbabilities.

"Never mind," he said. "I'll send a mouthpiece."

"Yes, do, Dan," said Mason. "We want a hearing."

"Well, now, leave all that to me, Joe," said Gibbs. "I'll send you some tobacco and have John fetch in some chuck."

Gibbs attended to their little wants, but he had difficulty as to the lawyer. He had, from time to time, employed various lawyers in the city, being guided in his selections, not by the reputed abilities of the lawyers, but by his notions of their pull with the authorities. Formerly he had employed Frisby on the recommendation of Cleary, the chief of police, with whom Frisby divided such fees, but Frisby's charges were extortionate, and lately, Gibbs understood, his influence was waning. In thinking over the other lawyers, he recalled Shelley Thomas, but Thomas, he found, was on a drunk. At last he decided on Marriott.

"There's nothing to it," he said to Marriott, "especially so far as Mason's concerned; he's a friend of mine. He's in wrong, but these United States inspectors will job him if they get a chance."

Marriott wished that Gibbs had retained some other lawyer. The plight of the men seemed desperate enough. He thought them guilty, and, besides, he wished to go away on his vacation. But his interest deepened; he found that he was dealing with a greater

power than he encountered in the ordinary state case; the power, indeed, of the United States. The officials in the government building were unobliging; Fallen was positively insulting; from none of them could he receive any satisfaction. The hearing was not set, and then one evening Fallen mysteriously disappeared. Marriott was enraged, Gibbs was desperate, and Marriott found himself sharing Gibbs's concern.

Dillon and Mandell and Squeak spoke only of proving an alibi; they said that Gibbs would arrange this for them. This disheartened Marriott, confirmed his belief in their guilt, and he shrank from placing on the stand the witnesses Gibbs would supply. And then, one afternoon at the jail, a strange experience befell him. Mason was looking at him, his face pressed against the bars; he fixed his eyes on him, and, speaking slowly, with his peculiar habit of moistening his lips and swallowing between his words, he said:

"You think I'm guilty of this, Mr. Marriott."

Marriott tried to smile, and tried to protest, but his looks must have belied him.

"I know you do," Mason went on, "but I'm not, Mr. Marriott. I've done time—lots of it, but they've got me wrong now. These inspectors will lie, of course, but I can prove an alibi. What night was the job done?"

"The twelfth," said Marriott.

"That was Saturday, wasn't it?"

"Yes."

"Well, that night I was in Gibbs's. There was a mob of sure-thing men in there that night—Ed Dean and the Rat and some others—Gibbs will tell you. I can't subpœna them—they couldn't help; nobody would believe them, and they dassen't show, anyway."

"Are they—" Marriott felt a delicacy in saying the word.

"Thieves?" said Mason. "Yes—you see how it is."

"Of course," said Marriott.

"But," Mason went on, "there was a fellow in there—I don't know his name—a reporter; he put a piece in his paper the next day about Dean. Dean was kidding him—Gibbs can tell you. I wish you'd see him—he'll remember me, and he can fix the time by that piece he wrote."

Mason paused.

"I've done nearly twenty years, Mr. Marriott," he said presently. "That was all right; they done that on the square; this is the first time they ever had me in wrong. Dillon was with me every time—we worked together—that'll go against me. And them inspectors don't care—they'd just as soon job a fellow as not. All I ask now is a fair show. But those United States courts are a fierce game to put a man up against."

While Mason was talking a great wave of sympathy swept over Marriott; a conviction came to him that Mason was telling the truth.

"But," he said as the thought came to him, "can't Dillon and the others help you?"

"Well," Mason hesitated. "They've got themselves to look after. I'd rather fall myself than to throw them down. You see Gibbs about that reporter."

Marriott was convinced that Mason was not deceiving him; he felt a reproach at his own original lack of faith in the man. As he waited for the turnkey to unlock the door and let him out, a sickness came over him. The jail was new; there were many boasts about its modern construction, its sanitary conditions, and all

that, but when he went out, he was glad of the cool air of the evening—it was wholly different from the atmosphere inside, however scientifically pure that may have been. He stopped a moment and looked back at the jail. It lifted its stone walls high above him; it was all clean, orderly, and architecturally not bad to look on. The handsome residence of the sheriff was brilliantly lighted; there were lace curtains at the windows, and within, doubtless, all the comforts, and yet—the building depressed Marriott. It struck him, though he could not then tell why, as a hideous anachronism. He thought of the men mewed within its stone walls; he could see Dillon's long eager face, ugly with its stubble of beard; he could see the reproach in Mason's eyes; he could see the shadowy forms of the other prisoners, walking rapidly up and down the corridors in their cramped exercises—how many were guilty? how many innocent? He could not tell; none could tell; they perhaps could not tell themselves. A great pity for them all filled his breast; he longed to set them all free. He wished this burden were lifted from him; he wished Gibbs had never come to him; he wished he could forget Mason—but he could not, and a great determination seized him to liberate this man, to prevent this great injustice which was gathering ominously in the world, drawing within its coils not only Mason, but all those who, like Fallen and the other officials, were concerned in the business, even though they remained free in the outer world. And Marriott had one more thought: if he could not prevent the injustice, would it taint him, too, as it must taint all who came in contact with it? He shuddered with a vague, superstitious fear.

Marriott found Wales, who recalled the evening at Gibbs's, consulted the files of his newspaper, made sure of the date, and then went with Marriott to the jail and looked through the bars into Mason's expectant eyes. He prolonged his inspection, plainly for the effect. Presently he said:

"Yes, he was there."

"You'll swear to it?" asked Marriott.

"Sure," said Wales, "with pleasure."

There was relief in Mason's eyes and in his manner, as there was relief in Marriott's mind.

"That makes it all right, Joe," he said, and Mason smiled gratefully. Marriott left the jail happy. His faith was restored. The universe resumed its order and its reason. After all, he said to himself, justice will triumph. He felt now that he could await the preliminary hearing with calmness. Wales's identification of Mason made it certain that he could establish an alibi for him; he must depend on Gibbs for the others, but somehow he did not care so much for them; they had not appealed to him as Mason had, whether because of his conviction that they were guilty or not, he could not say. The hearing was set for Thursday at two o'clock, but Marriott looked forward to it with the assurance that as to Mason, at least, there was no doubt of the outcome.

VII

Although Fallen had told the police they could set Archie free, the police did not set him free.

"It's that fellow Kouka," Archie explained to Marriott. "He's got it in for me; he wants to see me get the gaff."

That afternoon Archie was legally charged with being a "suspicious person." The penalty for being thus suspected by the police was a fine of fifty dollars and imprisonment in the workhouse for sixty days. Marriott was angry; the business was growing complicated. He began to fear that he would never get away on his vacation; he was filled with hatred for Fallen, for Kouka, because just now they personified a system against which he felt himself powerless; finally, he was angry with Archie, with Dillon, even with Mason, for their stupidity in getting into such desperate scrapes.

"They're fools—that's what they are," he said to himself; "they're crazy men." But at this thought he softened. When he recalled Mason in his cell at the jail, and Archie in the old prison at the Central Station, his anger gave way to pity. He resolved to give up his vacation, if necessary, and fight for their release. He determined to demand a jury to try Archie on this charge of suspicion; he knew how Bostwick and all the attachés of the police court disliked to have a jury demanded, because it made them trouble. As he walked up the street he began to arrange the speech he would

make in Archie's defense; presently, he noticed that persons turned and looked at him; he knew he had been talking to himself, and he felt silly; these people would think him crazy. This dampened his ardor, crushed his imagination and ruined his speech. He began to think of Mason again; he would have to let Archie's case go until after Mason had had a hearing; he must do one thing at a time.

Archie had been able to endure the confinement as long as Mason and Dillon and Mandell and Squeak were there; the five men had formed a class by themselves; they had a certain superiority in the eyes of the other prisoners, who were confined for drunkenness, for disturbance, for fighting, for petty thefts and other insignificant offenses. But when his companions were taken away, when his own hope of liberty failed, he grew morose. The city prison was an incredibly filthy place. The walls dripped always with dampness. High up, a single gas-jet burned economically in its mantle, giving the place the only light it ever knew. A bench ran along the wall below it, and on this bench the prisoners sat all day and talked, or stretched themselves and slept; now and then, for exercise, they tried chinning themselves from the little iron gallery that ran around the cells of the upper tier. Twice a day they were fed on bologna and coffee and bread. At night they were locked in cells, the lights were put out, and the place became a hideous bedlam. Men snored from gross dissipations, vermin crawled, rats raced about, and the drunken men, whose bodies from time to time were thrown into the place, went mad with terror when they awoke from their stupors, and cursed and blasphemed. The crawling vermin and the scuttling

rats, the noises that suggested monsters, made their delirium real. The atmosphere of the prison was foul, compounded of the fumes of alcohol exhaled by all those gaping mouths, of the feculence of all those filthy bodies, of the foul odors of the slop-pails, of the germs of all the diseases that had been brought to the place in forty years. Archie could not sleep; no one could sleep except those who were overcome by liquor, and they had awful nightmares.

His few moments of relief came when the turnkey, a man who had been embruted by long years of locking other men in the prison, opened the door, called him with a curse and turned him over to Kouka. Then the respite ended. He was subjected to new terrors, to fresh horrors, surpassing those physical terrors of the night by infinity. For Kouka and Quinn took him into a little room off the detectives' office, closed and locked the door, and then for two hours questioned him about the robbery of the post-office at Romeo, about countless other robberies in the city and out of it; they accused him of a hundred crimes, pressed him to tell where he had stolen the revolver. They bent their wills against his, they shook their fingers under his nose, their fists in his face; they told him they knew where he had got the revolver; they told him that his companions had confessed. He was borne down and beaten; he felt himself grow weak and faint; at times a nausea overcame him—he was wringing with perspiration.

The first day of this ordeal he sat in utter silence, sustained by dogged Teutonic stubbornness. That afternoon they renewed the torture; still he did not reply.

The morning of the second day, though weakened in body and mind, he still maintained his stubbornness; that afternoon they had brought McFee with a fresh

will to bear on him. By evening he told them he had stolen the revolver in Chicago. He did this in the hope of peace. It did gain him a respite, but not for long. The next morning they told him he had lied and he admitted it; then he gave them a dozen explanations of his possession of the revolver, all different and all false. Then, toward evening, Kouka suddenly fell upon him, knocked him from his chair with a blow, and then, as he lay on the floor, beat him with his enormous hairy fists. Quinn, the only other person in the room, stood by and looked on. Finally, Quinn grew alarmed and said:

"Cheese it, Ike! Cheese it!"

Kouka stopped and got up.

Archie was weeping, his whole body trembling, his nerves gone. That night he lay moaning in his hammock, and the man in the cell under him and the man in the cell next him, cursed him. In the morning they took him again up to the detective's office; this was the morning of the third day. Archie was in a daze, his mind was no longer clear, and he wondered vaguely, but with scarcely any interest, why it was that Kouka looked so smiling and pleasant.

"Set down, Arch, old boy," Kouka said, "and let me tell you all about it."

And then Kouka told him just where he had stolen the revolver, and when, and how—told him, indeed, more about the hardware store and the owners of it than Archie had ever known. And yet Archie did not seem surprised at this. He felt numbly that it was no longer worth while to deny it—he wondered why he ever had denied it in the first place. It did not matter; nothing mattered; there was no difference between things—they were all the same. But presently his mind

became suddenly clear; he was conscious that there was one unanswered question in the world.

"Say, Kouka," he said, "how did you tumble?"

Kouka laughed. He was in fine humor that morning.

"Oh, it's no use, my boy," he said; "it's no use; you can't fool your Uncle Isaac. You'd better 'ave taken his advice long ago—and been a good boy."

"That's all right," said Archie, a strange calm having come to him because of the change in the world, "but who put you wise?"

Kouka looked at Quinn and smiled, and then he said to Archie:

"Oh, what you don't know won't hurt you."

Then he had Archie taken back to the prison, but before they locked him up Kouka gave him a box of cigarettes he had taken from a prostitute whom he had arrested the night before, and he left Archie leaning against the door of the prison smoking one of the cigarettes.

"What have they been doing to you?" asked a prisoner.

"The third degree," said Archie laconically.

The knowledge which Kouka preferred to shroud in mystery had been obtained in a simple way. Glancing over the records in the detective's office, he had by chance come across an old report of the robbery of a hardware store. Kouka had taken the revolver found on Archie to the merchant, and the merchant had identified it. That evening Marriott read in the newspapers conspicuous accounts of the brilliant work of Detective Kouka in solving the mystery that had surrounded a desperate burglary. The articles gave Kouka the greatest praise.

VIII

The United States court-room had been closed ever since court adjourned in May, but when it was thrown open for the hearing of the case against Dillon and Mason and the rest, it was immediately imbued with the atmosphere of federal authority. This atmosphere, cold, austere and formal, smote Marriott like a blast the moment he pushed through the green baize doors.

The great court-room was furnished in black walnut; the dark walls immediately absorbed the light that came through the tall windows. On the wall behind the bench was an oil portrait of a former judge; Marriott could see it now in the slanting light—the grave and solemn face, smooth-shaven, with the fine white hair above it, expressing somehow the older ideals of the republic. On the wall, laureled Roman fasces were painted in gilt. The whole room was somber and gloomy, suggesting the power of a mighty government poised menacingly above its people; there were hints of authority and old precedents in that atmosphere.

The reason the room held this atmosphere was that the judge who ordinarily sat on the bench had been appointed to his position for life, and there were no real checks on his power. For twenty years before he had been appointed this man had been the attorney for great corporations, had amassed a fortune in their promotion and defense, and, as a result, his sympathies and prejudices were with the rich and powerful. He knew noth-

ing of the common currents and impulses of humanity, having never been brought in contact with the people; the almost unlimited power he wielded, and was to wield until he died, made him, quite naturally, autocratic, and he had impressed his character on the room and on all who held official positions there. The clerks, commissioners and assistant prosecutors whom he appointed imitated him and acquired his habits of thought, for they received his opinions just as they received his orders.

Marriott sat at the table and waited, and while he waited looked about. He looked at Wilkison, the commissioner; the judge had appointed him to his place; the amount of fees he received depended entirely on the number of cases the district attorney and his assistants brought before him; consequently, there being two commissioners, he wished to have the good will of the district attorney, and always reached decisions that would please him.

Dalrymple, the assistant district attorney, was a good-looking young man with a smooth-shaven, regular face that might have been pleasant, but, because of his new importance, it now wore a stern and forbidding aspect. He was dressed in new spring clothes; the trousers were rolled up at the bottoms, showing the low tan shoes which just then had come again into vogue. He wore a pink flannel shirt of exquisite texture; on this flannel shirt was a white linen collar. This combination produced an effect which was thought to give him the final touch of aristocracy and refinement. When he was not talking to Wilkison or to Fallen, he was striding about the court-room with his hands in his trousers pockets. Once he stopped, drew a silver case

from his pocket and lighted a cigarette made with his monogram on the paper.

Marriott turned from Dalrymple with disgust; he looked beyond the railing, and there, on the walnut benches, sat Gibbs, with a retinue that made Marriott smile. They must have come in when Marriott was preoccupied, for he was surprised to see them. Gibbs sat on the end of one bench, as uncomfortable and ill at ease as he would have been in a pew at church. He was shaved to a pinkness, his hair was combed smooth, and he was very solemn. Marriott could easily see that the atmosphere of the court-room oppressed and cowed him; he had lost his native bearing, and had suddenly grown meek, humble and afraid. Marriott knew none of the others; there were half a dozen men, none of them dressed as well as Gibbs, with strange visages, marked by crime and suffering, all the more touching because they were so evidently unconscious of these effects. The heads ranged along the bench were of strange shapes, startlingly individual in one sense, very much alike in another. They were all solemn, afraid to speak, bearing themselves self-consciously, like children suddenly set out before the public. On one bench sat a young girl, and something unmistakable in her eyes, in her mouth, in the clothes she wore—she had piled on herself all the finery she had—told what she was. Her toilet, on which she had spent such enormous pains, produced the very effect the womanhood left in her had striven to avoid.

Marriott smiled, until he detected the deep concern which Gibbs was trying to hide; then his heart was touched, as the toilet of the girl had touched it. Marriott knew that these people were the witnesses by

whom Gibbs expected to establish an alibi for Dillon and Squeak and Mandell; the sight of them did not reassure him; he had again that disheartening conviction of the utter lack of weight their appearance would carry with any court; he did not credit them himself, and he began to feel a shame for offering such witnesses. He was half decided, indeed, not to put them forward. But his greater concern came with the thought of Mason, whom he believed to be innocent; where, he suddenly wondered, was the reporter Wales?

But just at this moment the green baize doors of the court-room swung inward and suddenly all the people in the court-room—Dalrymple, Fallen, Wilkison, Marriott, Gibbs, the clerks and the reporters, the bailiff and the group Gibbs had brought up with him from the under world—forgot the distinctions and prejudices and hatreds that separated them, yielded to the claims of their common humanity and became as one in the eager curiosity which concentrated all their interest on the entering prisoners.

They came in a row, chained together by handcuffs, in charge of deputy marshals. They were marched within the bar, still wearing the hats they could not remove. The United States marshal himself and another deputy came forward and joined the deputies in charge of the prisoners. The officers took off their hats for them, and when they took chairs at the table, stood close beside them, as if to give the impression that the prisoners were most dangerous and desperate characters, and that they themselves were officials with the highest regard for their duty.

Wilkison, with great deliberation, was seating himself at the clerk's desk. Ordinarily he held hearings in

an anteroom, but as this hearing would be reported in the newspapers he felt justified in using the court-room; besides, he could then test some of the sensations of a judge.

"Aren't you going to unhandcuff these men?" said Marriott to the marshal.

The marshal merely smiled in a superior official way, and the smile completed the rage that had seized on Marriott when the deputies stationed themselves behind the prisoners. Marriott felt in himself all the evil and all the hatred that were in the hearts of these officers; he felt all the hatred that was gathering about these prisoners; it seemed that every one there wished to revenge himself personally on them. Fallen, sitting beside Dalrymple, had an air of directing the whole proceeding, as if his duties did not end with the apprehension of his prisoners, but required him to see that the assistant district attorney, the commissioner and the rest did their whole duty. He sat there with the two rosy spots on his plump cheeks glowing a deeper red, his blue eyes gloating. Marriott restrained himself by an effort; he needed all his faculties now.

"The case of the United States *versus* Dillon and others." Wilkison was officially fingering the papers on his desk. "Are the defendants ready for hearing?"

"We're ready, yes," said Marriott, plainly excluding from his words and manner any of the respect for the court ordinarily simulated by lawyers. Mason, sitting beside him, and Dillon and the rest followed with eager glances every movement, listened to every word. They forgot the handcuffs, and fastened their eyes on Fallen standing up to be sworn. When the oath had been administered, Dalrymple put the stereotyped preliminary

questions and then asked him who the defendants were. Fallen pointed to them one after another and pronounced their names as he did so. When he had done this Dalrymple turned, looked at Marriott with his chin in the air, and said pertly:

"Take the witness."

Marriott was surprised and puzzled; the suspicions that he had all along held were increased.

"How many witnesses will you have?" he asked.

"This is all," said Dalrymple with an impertinent movement of the lip, "except this." He held up a legal document. "This certified copy of an indictment—"

At the word "indictment" the truth flashed on Marriott. He understood now; this explained the delay, the stealth, the subterfuge of which he had been dimly conscious for days; this explained the conduct of the officials; this explained Fallen's absence—he had gone to Illinois, secured the indictment of the four men, and returned. And this was not a preliminary hearing at all; it was a mere formality for the purpose of removing the prisoners to the jurisdiction in which the crime had been committed. He saw now that he would not be allowed to offer any testimony; nothing could be done. The men would be tried in Illinois, where they could have no witnesses, for the law, as he remembered, provided that process for witnesses to testify on behalf of defendant could not be issued beyond a radius of one hundred miles of the court where they were tried; they were poor, they could not pay to transport witnesses, and now the alibis for Dillon and Squeak and Mandell could not be established, and Mason could not have the benefit of Wales's testimony, unless depositions were used, and he knew what a farce depositions

are. He had been tricked. It was all legal, of course, but he had been tricked, that was all, and he was filled with mortification and shame and rage.

"Mr. Marriott," Wilkison was saying in his most impartial tone, "do you wish to examine this witness?"

Marriott was recalled. He looked at Fallen, waiting there in the witness-chair, pulling at his little mustache, the pink spots in his cheeks glowing, and his eyes striving for an expression of official unconcern. Marriott questioned Fallen, but without heart. He tried to break the force of his identification, but Fallen was positive. They were Joseph Mason, James Dillon, Louis Skinner, alias Squeak, and Stephen Mandell. When Marriott had finished, Dalrymple rose and said:

"Your Honor, we offer as evidence a certified copy of an indictment returned by the grand jury at this present term, and the government rests."

He looked in triumph at Marriott.

The prisoners were leaning eagerly over the table under which they hid their shackled hands, not understanding in the least the forces that were playing with them. Dillon's long, unshaven face was suspended above the green felt, his eyes, bright with excitement and deepest interest, shifting quickly from Dalrymple to Marriott and then back again to Dalrymple. Mason's eyes went from one to the other of the lawyers, but his gaze was easier, not so swift, hardly so interested. A slight smile lurked beneath the mask he wore, and the commissioner decided with pleasure that this smile proved Mason's guilt, a conclusion which he found it helpful to communicate to Dalrymple after the hearing. Mandell and Squeak wore heavy expressions; the realization of their fate had not yet struggled to conscious-

ness. In fact, they did not know what had happened, and they were trying to learn from a study of the expressions of Dalrymple and Marriott.

Dalrymple continued to look at Marriott in the pride he felt at having beaten him. Because he had really been unfair and had practised a sharp trick on Marriott, he disliked him. This dislike showed now in Dalrymple's glance, as it had been expressed in the sharp, important voice in which he had put his questions during the hearing. He had spoken with an affected accent, and had objected to every question that Marriott asked on cross-examination. He had learned to speak in this affected accent at college, where he had spent four years, after which he had spent three other years at a law school; consequently, he knew little of that life from which he had been withdrawn for those seven years, knew nothing of its significance, or meaning, or purpose, and, of course, nothing of human nature. The stern and forbidding aspect in which he tried to mask a countenance that might have been good-looking and pleasing, had it worn a natural and simple expression, was amusing to those who, like Dillon and Mason, were older and wiser men. Dalrymple had no views or opinions or principles of his own; those he had, like his clothes and his accent, had been given him by his parents or the teachers his parents had hired; he had accepted all the ideas and prejudices of his own class as if they were axioms. He felt it a fine thing to be there in the United States court in an official capacity that made every one look at him, and, as he supposed, envy him; that gave an authority to anything he said. He thought it an especially fine thing to represent the government. He used this word frequently, saying "the

government feels," or "the government wishes," or "the government understands," speaking, indeed, as if he were the government himself. The power behind him was tremendous; an army stood ready at the last to back up his sayings, his opinions, and his mistakes. Against such a power, of course, Dillon and Mason, who were poor, shabby men, had no chance. Dalrymple, to be sure, had no notion of what he was doing to these men; no notion of how he was affecting their lives, their futures, perhaps their souls. He was totally devoid of imagination and incapable of putting himself in the place of them or of any other men, except possibly those who were dressed as he was dressed and spoke with similar affectation. He did not consider Dillon and Mason men, or human beings at all, but another kind of organism or animate life, expressed to him by the word "criminal." He did not consider what happened to them as important; the only things that were important to him were, first, to be dressed in a correct fashion, and modestly, that is, to be dressed like a gentleman; secondly, to see to it that his sympathies and influence were always on the side of the rich, the well-dressed, the respectable and the strong, and to maintain a wide distinction between himself and the poor, disreputable and ill-clad, and, thirdly, to bear always, especially when in court or about the government building, an important and wise demeanor. He felt, indeed, that in becoming an assistant United States district attorney, he had become something more than a mere man; that because a paper had been given him with an eagle printed on it and a gilt seal, a paper on which his name and the words by which he was designated had been written, he had become something more than a mere

human being. The effect of all this was revealed in the look with which he now regarded Marriott.

Marriott, however, did not look at Dalrymple; he wished Dalrymple to feel the contempt he had for him, and after a moment he rose and addressed the commissioner.

The commissioner straightened himself in his chair; his face was very long and very solemn. He did not listen to what Marriott was saying; having conferred with Dalrymple before the hearing and read a decision which Dalrymple had pointed out to him in a calf-bound report, he was now arranging in his mind the decision he intended to give presently.

Marriott, of course, realized the hopelessness of his case, but he did not think it becoming to give in so easily, or, at least, without making a speech. He began to argue, but Wilkison interrupted him and said:

"This whole question is fully discussed in the Yarborough case, where the court held that in a removal proceeding no testimony can be presented in behalf of the defense."

Then Wilkison announced his decision, saying that Marriott's witnesses could be heard at the proper time and place, that is, on the trial, where he said the rights of the defendants would be fully conserved. Feeling that his use of this word "conserved" was happy and appropriate and had a legal sound, he repeated it several times, and concluded by saying:

"The defendants will be remanded to the custody of the marshal for removal."

The marshal and his deputies tapped the prisoners on the shoulders. Just then there was a slight commotion; Gibbs had pushed by the bailiff and was coming

forward. He came straight up to the men. The marshal put out a hand to press him back, but Marriott said:

"Oh, let him talk to them a minute. Good God—!"

The marshal glared at Marriott, and then gave way.

"But he wants to be quick about it," he threatened.

Gibbs leaned over Mason's shoulder.

"Well, Joe," he said.

"I'm kangarooed, Dan," said Mason.

"It looks that way," said Gibbs.

"Dan, I want you to do something for me—I want you to send me some tobacco. You know you can get those clippings in pound packages; they only cost a quarter."

Gibbs looked hurt.

"Joe," he said, "I've known you for forty years, and that's the only mean thing you ever said to me."

"Well, don't get sore, Dan," Mason said. "I knew you would—only—"

The marshal cut them short and marched the prisoners out of the court-room. Outside in the street the prison-van was waiting, the van that had been ordered before the hearing, to take the prisoners to the station.

IX

It was several days before Marriott saw Gibbs again, and then he appeared at Marriott's office with a companion and leaned for an instant unsteadily against the door he had carefully closed. Marriott saw that he was changed, and that it was the change drink makes in a man. Gibbs sank helplessly into a chair, and stared at Marriott blankly. He was not the clean, well-dressed man Marriott had beheld in him before. He was unshaven, and the stubble of his beard betrayed his age by its whiteness; the pupils of his eyes were dilated, his lips stained with tobacco. His shoes were muddy, one leg of his trousers was turned up; and his lack of a collar seemed the final proof of that moral disintegration he could not now conceal. When he had been there a moment the atmosphere was saturated with the odor of alcohol.

"My friend, Mr. McDougall," said Gibbs, toppling unsteadily in his chair, as he waved one fat hand at his companion, a heavy blond fellow, six feet tall, well dressed and dignified.

"I've gone to the bad," said Gibbs. Marriott looked at him in silence. The fact needed no comment.

"The way those coppers jobbed Mason was too much for me," Gibbs went on. "Worst I ever seen. I couldn't stand for it, it put me to the bad."

"Well, you won't do him any good, at that—" McDougall began.

"Aw, to hell with you!" said Gibbs, waving Mc-

Dougall aside with a sweep of his arm. The movement unsettled him in his chair, and he steadied himself by digging his heels into the rug. Then he drew a broken cigar from his coat pocket, struck a match, and held it close to his nose; it took him a long time to light his cigar; he puffed hurriedly, but could not keep the cigar in the flame; before he finished he had burned his fingers, and Marriott felt a pain as Gibbs shook the match to the floor.

"He hasn't touched a drop for five years," said McDougall indulgently. "But when they kangarooed Mason—"

McDougall looked at Gibbs, not in regret or pity, nor with disapproval, but as one might look at a woman stricken with some recent grief. To him, getting drunk seemed to be as natural a way of expressing emotion as weeping or wringing the hands. Marriott gazed on the squalid little tragedy of a long friendship, gazed a moment, then turned away, and looked out of his window. Above the hideous roofs he could see the topmasts of schooners, and presently a great white propeller going down the river. It was going north, to Mackinac, to the Soo, to Duluth, and the sight of it filled Marriott with a longing for the cold blue waters and the sparkling air of the north.

Gibbs evidently had come to talk about Mason's case, but when he began to speak his voice was lost somewhere in his throat; his head sank, he appeared to sink into sleep. McDougall glanced at him and laughed. Then he turned seriously to Marriott.

"It was an outrage," he said. "Mason has been right here in town—I saw him that day. He ought to be alibied."

"Couldn't you testify?" asked Marriott.

McDougall looked at Marriott with suspicion, and hesitated. But suddenly Gibbs, whom they had supposed to be asleep, said impatiently, without opening his eyes:

"Oh, hell!—go on and tell him. He's a right guy, I tell you. He's wise to the gun." And Gibbs slumbered again.

"Well," said McDougall with a queer expression, "my business is unfortunately of such a nature that it can't stand much investigation, and I don't make the best witness in the world."

Gibbs suddenly sat up, opened his eyes, and drew an enormous roll of money from his pocket.

"How much do I owe you?" he asked, unrolling the bills. "It comes out of me," he said. Marriott was disappointed in this haggling appeal, not for his own sake, but for Gibbs's; it detracted from the romantic figure he had idealized for the man, just as Gibbs's intoxication had done. Marriott hesitated in the usual difficulty of appraising professional services, but when, presently, he rather uncertainly fixed his fee, Gibbs counted out the amount and gave it to him. Marriott took the money, with a wonder as to where it had come from, what its history was; he imagined in a flash a long train of such transactions as McDougall must be too familiar with, of such deeds as had been involved in the hearing before the commissioner, of other transactions, intricate, remote, involved, confused in morals—and he thrust the bills into his pocket.

"It comes out of me," Gibbs explained again. "They hadn't any fall money."

"Have you heard from them?" asked Marriott, who

did not know what fall money was, and wished to change the subject.

"No," said Gibbs, shaking his head. "I'm going out to the trial. I'll take along that newspaper guy and some witnesses for the others. I'll get 'em a mouthpiece. Maybe we can spring 'em."

But, as Marriott learned several days later, Gibbs could not spring them. He went to the trial with an entourage of miserable witnesses, but he did not take Wales, for Wales's newspaper would not give him leave of absence, and there was no process to compel his attendance. But Kouka and Quinn went, and they gave Gibbs such a reputation that his testimony was impeached. He could not, of course, take Dean. Dean's business, like McDougall's, was unfortunately of such a nature that it did not stand investigation, and he did not make the best witness in the world. Mason and Dillon and Mandell and Squeak were sentenced to the penitentiary at Fort Leavenworth for five years. At about the same time Archie Koerner pleaded guilty to stealing the revolver and was sentenced to prison for a year.

Marriott left at last for his vacation, but he could not forget Mason taking his unjust fate so calmly and philosophically. He had great pity for him, just as he had for Archie, though one was innocent and the other guilty. He had pity for Dillon, too, and, yes, for Mandell and Squeak. He thought of it all, trying to find some solution, but there was no solution. It was but one more knot in the tangle of injustice man has made of his attempts to do justice; a tangle that Marriott could not unravel, nor any one, then or ever.

X

Like most of the great houses along Claybourne Avenue, the dwelling of the Wards wore an air of loneliness and desolation all that summer. With Mrs. Ward and Elizabeth in Europe, the reason for maintaining the establishment ceased to be; and the servants were given holidays. Barker was about for a while each day looking after things, and Gusta came to set the house in order. But these transient presences could not give the place its wonted life; the curtains were down, the furniture stood about in linen covers, the pictures were draped in white cloth. At evening a light showed in the library, where Ward sat alone, smoking, trying to read, and, as midnight drew on, starting now and then at the strange, unaccountable sounds that are a part of the phenomena of the stillness of an empty house. He would look up from his book, listen, wait, sigh, listen again, finally give up, go to bed, worry a while, fall asleep, be glad when morning came and he could lose himself for another day in work. Dick never came in till long after midnight, and Ward seldom saw him, save on those few mornings when the boy was up early enough to take breakfast with him at the club. Such mornings made the whole day happy for Ward.

But the few hours she spent each day in the empty house were happy hours for Gusta Koerner. She was not, of course, a girl in whom feeling could become

thought, or sensation find the relief of expression; she belonged to the class that because it is dumb seems not to suffer, but she had a sense of change in the atmosphere. She missed Elizabeth, she missed the others, she missed the familiar figures that once had made the place all it had been to her. But she loved it, nevertheless, and if it seemed to hold no new experiences for her, there were old experiences to be lived over again.

At first the loneliness and the emptiness frightened her, but she grew accustomed; she no longer started at the mysterious creakings and tappings in the untenanted rooms, and each morning, after her work was done, she lingered, and wandered idly about, looked at herself in the mirrors, gazed out of the windows into Claybourne Avenue, sometimes peeped into the books she could so little understand.

Occasionally she would have chats with Barker, but she did not often see him; he was always busy in the stables. Ward and Dick were gone before she got there. But the peace and quiet of the deserted mansion were grateful, and Gusta found there a sense of rest and escape that for a long time she had not known. She found this sense of escape all the more grateful after Archie's trouble. He had not been at home in a long time, and they had heard nothing of him; then, one evening she learned of his latest trouble in those avid chroniclers of trouble, the newspapers. Her father, who would not permit the mention of his son's name, nevertheless plainly had him on his mind, for he grew more than ever gloomy, morose and irritable. And then, to make matters worse, one Saturday evening Charlie Peltzer threw it up to Gusta, and they parted in anger. On Sunday afternoon she went to

see Archie at the jail, and stayed so late that it was twilight before she got to the Wards'. She had never had the blues so badly before; her quarrel with Peltzer, her father's scolding, her mother's sighs and furtive tears, her own visit to the prison, all combined to depress her, and now, in the late and lonesome Sunday afternoon she did her work hurriedly, and was just about to let herself out of the door when it opened suddenly, and Dick Ward, bolting in, ran directly against her.

"Hello! Beg pardon—is that you, Gusta?" he said.

"Oh!" she exclaimed, leaning against the wall, "you scared me!"

Dick laughed.

"Well, that's too bad; I had no idea," he said.

She had raised her clasped hands to her chin, and still kept the shrinking attitude of her fright. Dick looked at her, prettier than ever in her sudden alarm, and on an impulse he seized her hands.

"Don't be scared," he said. "I wouldn't frighten you for the world."

She was overwhelmed with weakness and confusion. She shrank against the wall and turned her head aside; her heart was beating rapidly.

"I—I'm late to-day," she said. "I ought to have been here this morning."

"I'm glad you weren't," said Dick, looking at her with glowing eyes.

"I must hurry"—she tried to slip away. "I—must be going home, it's getting late; you—you must let me go."

She scarcely knew what she was saying; she spoke

with averted face, her cheeks hot and flaming. He gazed at her steadily a moment; then he said:

"Never mind. I'll take you home in my machine. May I?"

She looked at him in wonderment. What did he mean? Was he in earnest?

"May I?" he pressed her hands for emphasis, and gazed into her eyes irresistibly.

"Yes," she said, "if you'll—let me—go now."

Suddenly he kissed her on the lips; there was a rustle, a struggle, he kissed her again, then released her, left her trembling there in the hall, and bounded up the stairs.

"Wait a minute!" he called. "I came home to get something. You'll wait?"

Gusta was dazed, her mind was in a whirl, she felt utterly powerless; but instinctively she slipped through the door and out on to the veranda. The air reassured and restored her. She felt that she should run away, and yet, there was Dick's automobile in the driveway; she had never been in an automobile, and— She thought of Charlie Peltzer—well, it would serve him right. And then, before she could decide, Dick was beside her.

"Jump in," he said, glancing up and down the avenue, now dusky in the twilight. They went swiftly away in the automobile, but they did not go straight to Bolt Street—they took a long, roundabout course that ended, after all, too suddenly. The night was warm and Gusta was lifted above all her cares; she had a sensation as of flying through the soft air. Dick stopped the machine half a block from the house, and

Gusta got out, excited from her swift, reckless ride. But, troubled as she was, she felt that she ought to thank Dick. He only laughed and said:

"We'll go again for a longer ride. What do you say to to-morrow night?"

She hesitated, tried to decide against him, and before she could decide, consented.

"Don't forget," he said, "to-morrow evening." He leaned over and whispered to her. He was shoving a lever forward and the automobile was starting.

"Don't forget," he said, and then he was gone and Gusta stood looking at the vanishing lights of the machine. Just then Charlie Peltzer stepped out of the shadows.

"So!" he said, looking angrily into her face. "So that's it, is it? Oh—I saw you!"

"Go away!" she said.

He snatched at her, caught her by the wrist.

"Go away, is it?" he exclaimed fiercely. "I've caught you this time!"

"Let me alone!"

"Yes, I will! Oh, yes, I'll let you alone! And him, too; I'll fix him!"

"Let me go, I tell you!" she cried, trying to escape. "Let me go!" She succeeded presently in wrenching her wrist out of his grasp. "You hurt me!" She clasped the wrist he had almost crushed. "I hate you! I don't want anything more to do with you!"

She left him standing there in the gloom. She hurried on; it was but a few steps to the door.

"Gusta!" he called. "Gusta! Wait!"

But she hurried on.

"Gusta! Wait a minute!"

She hesitated. There was something appealing in his voice.

"Oh, Gusta!" he repeated. "Won't you wait?"

She felt that he was coming after her. Then something, she knew not what, got into her, she felt ugly and hateful, and hardened her heart. She cast a glance back over her shoulder and had a glimpse of Peltzer's face, a pale, troubled blur in the darkness. She ran into the house, utterly miserable and sick at heart.

Gusta could not thereafter escape this misery; it was with her all the time, and her only respite was found in the joy that came to her at evening, when regularly, at the same hour, under the same tree, at the same dark spot in Congress Street, she met Dick Ward. And so it began between them.

XI

The way from the station to the penitentiary was long, but Sheriff Bentley, being a man of small economies, had decided to walk, and after the long journey in the smoking-car, Archie had been glad to stretch his legs. The sun lay hot on the capital city; it was nearly noon, and workmen, tired from their morning's toil, were thinking now of dinner-buckets and pipes in the shade. They glanced at Archie and the sheriff as they passed, but with small interest. They saw such sights every day and had long ago grown used to them, as the world had; besides, they had no way of telling which was the criminal and which the custodian.

Archie walked rapidly along, his head down, and a little careless smile on his face, chatting with the sheriff. On the way to the capital, Bentley had given him cigars, let him read the newspapers, and told him a number of vulgar stories. He was laughing then at one; the sheriff had leaned over to tell him the point of it, though he had difficulty in doing so, because he could not repress his own mirth. They were passing under a viaduct on which a railroad ran over the street. A switch-engine was going slowly along, and the fireman leaned out of the cab window. He wore, oddly enough, a battered old silk hat; he wore it in some humorous conceit that caricatured the grandeur and dignity the hat in its day had given some other man, whose face was not begrimed as was the comical face of this

fireman, whose hands were not calloused as was the hand that slowly, almost automatically, pulled the bell-cord. That old plug hat gave the fireman unlimited amusement and consolation, as he thrust it from his cab window while he rode up and down the railroad yards. Archie looked up and caught the fireman's eye; the fireman winked drolly, confidentially, and waved his free arm with a graceful, abandoned gesture that conveyed a salutation of brotherliness and comradeship; Archie smiled and waved his free arm in recognition.

And then they stepped out of the shade of the viaduct into the sun again, and Archie's smile went suddenly from his face. They were at the penitentiary. The long wall stretched away, lifting its gray old stones twelve feet above their heads. Along its coping of broad overhanging flags was an iron railing, coming to the middle of a man, and at every corner, and here and there along the wall, were the sentry-boxes, black and weather-beaten, and sinister because no sentry was anywhere in sight. Archie looked, and he did not hear the dénouement of the sheriff's story, which, after all, was just as well.

Midway of the block the wall jutted in abruptly and joined itself to a long building of gray stone, with three tiers of barred windows, but an ivy vine had climbed over the stones and hidden the bars as much as it could. A second building lifted its Gothic towers above the center of the grim façade, and beyond was another building like the first, wherein the motive of iron bars was repeated; then the climbing ivy and the gray wall again, stretching away until it narrowed in the perspective. Before the central building were

green lawns and flower-beds, delightful to the eyes of the warden's family, whose quarters looked on the free world outside; delightful, too, to the eyes of the legislative committees and distinguished visitors who came to preach and give advice to the men within the walls, who never saw the flowers.

Archie and the sheriff turned into the portico. In the shade, several men were lounging about. They wore the gray prison garb, but their clothes had somehow the effect of uniforms; they were clean, neatly brushed, and well fitted. They glanced up as Archie and the sheriff entered, and one of them sprang to his feet. On his cap Archie saw the words, "Warden's Runner." He was young, with a bright though pale face, and he stepped forward expectantly, thinking of a tip. He was about to speak, but suddenly his face fell, and he did not say what had been on his lips. He uttered, instead, a short, mistaken,

"Oh!"

The sheriff laughed, and then with the knowledge and familiarity men love so much to display, he went on:

"Thought we wanted to see the prison, eh? Well, I've seen it, and the boy here'll see more'n he wants."

The warden's runner smiled perfunctorily and was about to turn away, when Bentley spoke again:

"How long you in for?" he asked.

"Life," said the youth, and then went back to his bench. He did not look up again, though Archie glanced back at him over his shoulder.

"Trusties," Bentley explained. "They've got a snap."

In the office, where many clerks were busy, they

waited; presently a sallow young man came out from behind a railing. The sheriff unlocked his handcuffs and blew on the red bracelet the steel had left about his wrist.

"Hot day," said the sheriff, wiping his brow. The sallow clerk, on whom the official air sat heavily, ignored this and said:

"Let's have your papers."

He looked over the commitments with a critical legal scowl that seemed to pass finally on all that the courts had done, and signaled to a receiving guard.

"Good-by, Archie." Bentley held out his hand.

"Good-by," said Archie.

"Come on," said the receiving guard, tossing his long club to his shoulder in a military way. The great steel door in the guard-room swung open; the guard sitting lazily in a worn chair at the double inner gates threw back the lever, and the receiving guard and Archie entered the yard.

It was a large quadrangle, surrounded by the ugly prison houses, with the chapel and the administration building in the center. Archie glanced about, and presently he discerned in the openings between the buildings companies of men, standing at ease. A whistle blew heavily, the companies came to attention, and then began to march across the yard. They marched in sets of twos, with a military scrape and shuffle, halted now and then to dress their intervals, marked time, then went on, massed together in the lock-step. As they passed, the men looked at Archie, some of them with strange smiles. But Archie knew none of them; not Delaney, with the white hair; not the Pole, who had been convicted of arson; not the Kid, nor old Deacon Sammy,

who still wore his gold-rimmed glasses, nor Harry Graves. Their identity was submerged, like that of all the convicts in that prison, like that of all the forgotten prisoners in the world. The men marched by, company after company, until enough to make a regiment, two regiments, had passed them. A guard led Archie across the yard to the administration building. As they entered, a long, lean man, whose lank legs stretched from his easy chair half-way across the room, it seemed, to cock their heels on a desk, turned and looked at them. He was smoking a cigar very slowly, and he lifted his eyelids heavily. His eyes were pale blue—for some reason Archie shuddered.

"Here's a fresh fish, Deputy," said the guard.

The deputy warden of the prison, Ball, flecked the ashes from his cigar.

"Back again, eh?" he said.

Archie stared, and then he said:

"I've never stirred before."

"The hell you haven't," said the deputy. "The bull con don't go in this dump! I know you all!" The receiving guard looked Archie over, trying to recall him.

The deputy warden let his heavy feet fall to the floor, leaned forward, took a cane from his desk, got up, hooked the cane into the awkward angle of his left elbow, and shambled into the rear office, his long legs unhinging with a strange suggestion of the lock-step he was so proud of being able to retain in the prison by an evasion of the law. A convict clerk heaved an enormous record on to his high desk, then in a mechanical way he dipped a pen into the ink, and stood waiting.

"What's your name?" asked the deputy.

Archie told him.

"Age?"

"Twenty-three."

"Father and mother living?"

"Yes."

"Who shall we notify if you die while you're with us?"

Archie started; and the deputy laughed.

"Notify them."

"Ever convicted before? No? Why, Koerner, you really must not lie to me like that!"

When the statistical questions were finished the deputy said:

"Now, Koerner, you got a stretch in the sentence; you'll gain a month's good time if you behave yourself; don't talk; be respectful to your superiors; mind the rules; you can write one letter a month, have visitors once a month, receive all letters of proper character addressed to you. Your number is 48963. Take him and frisk him, Jimmy."

The deputy warden hooked his cane over his arm and shambled out. Archie watched him, strangely fascinated. Then the guard touched him on the shoulder, tossed a bundle of old clothing over his arm, and said:

"This way."

They made him bathe, then the barber shaved him, and he donned his prison clothes, which were of gray like those worn by the trusties he had seen at the gate of the prison. But the clothes did not fit him; the trousers were too tight at the waist and far too long, and they took a strange and unaccountable shape on him, the shape, indeed, of the wasted figure of an old

convict who had died of consumption in the hospital two days before.

The guard took Archie to the dining-room, deserted now, and he sat down at one of the long tables and ate his watery soup and drank the coffee made of toasted bread—his first taste of the "boot-leg" he had heard his late companions talk about.

And then the idle house, stark and gloomy, with silent convicts ranged around the wall. On an elevated chair at one end, where he might have the scant light that fell through the one high window, an old convict, who once had been a preacher, read aloud. He read as if he enjoyed the sound of his own voice, but few of the prisoners listened. They sat there stolidly, with heavy, hardened faces. Some dozed, others whispered, others, whom the prison had almost bereft of reason, simply stared. The idle house was still, save for the voice of the reader and the constant coughing of a convict in a corner. Archie, incapable, like most of them, of concentrated attention, sat and looked about. He was dazed, the prison stupor was already falling heavily on his mind, and he was passing into that state of mental numbness that made the blank in his life when he was in the workhouse with Mason. He thought of Mason for a while, and wondered what his fate and that of Dillon had been; he thought of Gusta, and of his mother and father, of Gibbs and Curly, wondering about them all; wondered about that strange life, already dim and incredible, he had so lately left in what to convicts is represented by the word "outside." He wished that he had been taken with Mason and Dillon. Then he thought of Kouka—thought of every-

thing but the theft of the revolver, which bore so small a relation to his real life.

The entrance of a contractor brought diversion. The contractor, McBride, a man with a red face and closely-cropped white hair, smoking a cigar the aroma of which was eagerly sniffed in by the convicts, came with the receiving guard. At the guard's command, Archie stood up, and the contractor, narrowing his eyes, inspected him through the smoke of his cigar. After a while he nodded and said:

"He'll do—looks to me like he could make bolts. Ever work at a machine?" he suddenly asked.

Archie shook his head.

"Put him on Bolt B," said the contractor; "he can learn."

The day ended, somehow; the evening came, with supper in the low-ceiled, dim dining-hall, then the cells.

"You'll lock in G 6," said the guard.

Archie marched to the cell-house, where, inside the brick shell, the cells rose, four tiers of them. The door locked on Archie, and he looked about the bare cell where he was to spend a year. For an hour, certain small privileges were allowed; favored convicts, in league with officials, peddled pies and small fruits at enormous commissions; somewhere a prisoner scraped a doleful fiddle. Near by, a guard haggled with a convict who worked in the cigar shop and stole cigars for the guard to sell on the outside. The guard, it seemed, had recently raised his commission from fifty to sixty per cent., and the convict complained. But when the guard threatened to report him for his theft, the convict gave in.

At seven o'clock the music ceased, and hall permits expired. Then there was another hour of the lights, when some of the convicts read. Then, at eight, it grew suddenly dark and still. Presently Archie heard the snores of tired men. He could not sleep himself; his pallet of straw was alive with vermin; the stillness in the great cell-house was awful and oppressive; once in a while he heard some one, somewhere, from a near-by cell, sigh heavily. Now, he thought, he was doing his bit at last; "buried," the guns called it. Finally, when the hope had all gone from his heart, he fell asleep.

The summer night fell, and the prison's gray wall merged itself in the blackness; but it still shut off the great world outside from the little world inside. The guards came out and paced the walls with their rifles, halting now and then with their backs to the black forms of the cell-houses, and looked out over the city, where the electric lights blazed.

XII

Elizabeth had gone abroad feeling that she might escape the dissatisfaction that possessed her. This dissatisfaction was so very indefinite that she could not dignify it as a positive trouble, but she took it with her over Europe wherever she went, and she finally decided that it would give her no peace until she took it home again. She could not discuss it with her mother, for Mrs. Ward was impatient of discussion. She could do no more than feel Elizabeth's dissatisfaction, and she complained of it both abroad and at home. She told her husband and her son that Elizabeth had practically ruined their trip, that Elizabeth hadn't enjoyed it herself, nor allowed her to enjoy it. Elizabeth, however, if unable to realize the sensations she had anticipated in their travels, gave her mother unexpected compensation by recalling and vivifying for her after they had returned in the fall, all their foreign experiences, so that they enjoyed them in retrospect. Ward, indeed, said that Elizabeth had seen everything there was to see in Europe. He only laughed when Elizabeth declared that, now she was at home again, she intended to do something; just what, she could not determine.

"Perhaps I'll become a stenographer or a trained nurse."

"The idea!" exclaimed Mrs. Ward. "To talk like that! You should pay more attention to your social duties."

"Why?" demanded Elizabeth, looking at her mother with clear, sober eyes.

Mrs. Ward, in her habitual avoidance of reasons, could not think of one instantly.

"You owe it to your station," she declared presently, and then, as if this were, after all, a reason, she added, "that's why."

Dick showed all the manly indignation of an elder brother.

"You don't know what you're talking about, Bess," he said in the husky voice he had acquired. He had not changed; he bore himself importantly, wore a scowl, dressed extravagantly, and always in the extreme of the prevailing fashion; he seemed to have an intuition in such matters; he wore a new collar or a new kind of cravat two weeks in advance of the other young men in town, and they did not seem to follow him so much as he seemed to anticipate them. He lunched at the club, and Elizabeth divined that he spent large sums of money, and yet he was constant in his work; he was always at the Trust Company's office early; he did not miss a single day. No, Dick had not changed; nothing had changed, and this thought only increased Elizabeth's discontent, or vague uneasiness, or vague dissatisfaction, or whatever it was.

"I don't know what it is," she confided to Marriott the first time she saw him. "I ought to be of some use in the world, but I'm not—Oh, don't say I am," she insisted when she caught his expression; "don't make the conventional protest. It's just as I told you before I went away, I'm useless." She glanced over the drawing-room in an inclusive condemnation of the luxury represented by the heavy furniture, the costly bric-

à-brac, and all that. Her face wore an expression of weariness. She knew that she had not expressed herself. What she was thinking, or, rather, what she was feeling was, perhaps, the disappointment that comes to a spirited, imaginative, capable girl, who by education and training has developed ambitions and aspirations toward a real, full, useful life, yet who can do nothing in the world because the very conditions of that existence which give her those advantages forbid it. Prepared for life, she is not permitted to live; an artificial routine called a "sphere" is all that is allowed her; she may not realize her own personality, and, in time, is reduced to utter nothingness.

"By what right—" she resumed, but Marriott interrupted her.

"Don't take that road; it will only make you unhappy."

"Before I went abroad," she went on, ignoring the warning, "I told you that I would do something when I came back—something to justify myself. That's selfish, isn't it?" She ended in a laugh. "Well, anyway," she resumed, "I can look up the Koerners. You see the Koerners?"

"I haven't tried that case yet," Marriott said with a guilty expression.

"How dreadful of you!"

"Reproach me all you can," he said. "I must pay some penance. But, you know—I—well, I didn't try it at the spring term because Ford wanted to go to Europe, and then—well—I'm going to try it right away—soon."

The next morning, as Marriott walked down town, he determined to take up the Koerner case immedi-

ately. It was one of those mild and sunny days of grace that Nature allows in the mellow autumn, dealing them out one by one with a smile that withholds promise for another, so that each comes to winter-dreading mortals as a rare surprise. The long walk in the sun filled Marriott with a fine delight of life; he was pleased with himself because at last he was to do a duty he had long neglected. He sent for Koerner, and the old man came on a pair of new yellow crutches, bringing his wife and his enormous pipe.

"Well, Mr. Koerner," said Marriott, "I'm glad you're about again. How are you getting along?"

"Vell, ve get along; I bin some goodt yet, you bet. I can vash—I sit up to dose tubs dere undt help der oldt voman."

Marriott's brows knotted in a perplexity that took on the aspect of a mild horror. It required some effort for him to realize this old man sitting with a wash-tub between his knees; the thought degraded the leonine figure. He wished that Koerner had not told him, and he hastened to change the subject.

"Your case will come on for trial now," he said; "we must talk it over and get our evidence in shape."

"Dot bin a long time alreadty, dot trial."

"Yes, it has," said Marriott, "but we'll get to it now in two weeks."

"Yah, dot's vat you say."

He puffed at his pipe a moment, sending out the thin wreaths of smoke in sharp little puffs. The strong face lifted its noble mask, the white hair—whiter than Marriott remembered it the last time—glistening like frost.

"You vait anoder year and I grow out anoder leg, maybe." Koerner smoked on in silence. But presently

the thin lips that pinched the amber pipe-stem began to twitch, the blue eyes twinkled under their shaggy white brows; his own joke about his leg put him in good humor, and he forgot his displeasure. Marriott felt a supreme pity for the old man. He marveled at his patience, the patience everywhere exhibited by the voiceless poor. There was something stately in the old man, something dignified in the way in which he accepted calamity and joked it to its face.

Marriott found relief in turning to the case. As he was looking for the pleadings, he said carelessly:

"How's Gusta?"

And instantly, by a change in the atmosphere, he felt that he had made a mistake. Koerner made no reply. Marriott heard him exchange two or three urgent sentences with his wife, in his harsh, guttural German. When Marriott turned about, Koerner was smoking in stolid silence, his face was stone. Mrs. Koerner cast a timid glance at her husband, and, turning in embarrassment from Marriott, fluttered her shawl about her arms and gazed out the windows. What did it mean? Marriott wondered.

"Well, let's get down to business," he said. He would ask no more questions, at any rate. But as he was going over the allegations of the petition with Koerner, finding the usual trouble in initiating the client into the mysteries of evidence, which are as often mysteries to the lawyers and the courts themselves, he was thinking more of Gusta than of the case. Poor Gusta, he thought, does the family doom lie on her, too?

XIII

Elizabeth kept to her purpose of doing something to justify her continuing in existence, as she put it to her mother, and there was a period of two or three weeks following a lecture by a humanitarian from Chicago, when she tortured the family by considering a residence in a social settlement. But Mrs. Ward was relieved when this purpose realized itself in a way so respectable as joining the Organized Charities. The Organized Charities was more than respectable, it was eminently respectable, and when Mrs. Russell consented to become its president, it took on a social rank of the highest authority. The work of this organization was but dimly understood; it was incorporated, and so might quite legally be said to lack a soul, which gave it the advantage of having the personal equation excluded from its dealings with the poor. Business men, by subscribing a small sum might turn all beggars over to the Organized Charities, and by giving to the hungry, who asked for bread, the stone of a blue ticket, secure immediate relief from the disturbing sense of personal responsibility. The poor who were thus referred might go to the bureau, file their applications, be enrolled and indexed by the secretary, and have their characters and careers investigated by an agent. All this was referred to as organized relief work, and it had been so far successful as to afford relief to those who were from time to time annoyed by the spectacles

of poverty and disease that haunted their homes and places of business.

When the Organized Charities resumed in the fall the monthly meetings that had been discontinued during the heated term, Elizabeth was on hand. Mrs. Russell was in the president's chair, and promptly at three o'clock, consulting the tiny jeweled watch that hung in the laces at her bosom, she called the meeting to order. After the recording secretary had read the minutes of the last meeting, held in the spring, and these had been approved, the corresponding secretary read a report, and a list of the new members. Then a young clergyman, with a pale, ascetic face, and a high, clerical waistcoat against which a large cross of gold was suspended by a cord, read his report as treasurer, giving the names of the new members already reported by the corresponding secretary, but adding the amount subscribed by each, the amount of money in the treasury, the amount expended in paying the salaries of the clerks, the rent of the telephone, printing, postage, and so on. Then the agents of the organization reported the number of cases they had investigated, arranging them alphabetically, and in the form of statistics. Then the clerk reported the number of meal tickets that had been distributed and the smaller number that had been gastronomically redeemed. After that there were reports from standing committees, then from special committees, and when all these had been read, received and approved, they were ordered to be placed on file. These preliminaries occupied an hour, and Elizabeth felt the effect to be somewhat deadening. During the reading of the reports, the members, of whom there were about forty, mostly

women, had sat in respectful silence, decorously coughing now and then. When all the reports had been read a woman rose, and addressing Mrs. Russell as "Madame President," said that she wished again to move that the meetings of the society be opened with prayer. At this the faces of the other members clouded with an expression of weariness. The woman who made the motion spoke to it at length, and with the only zeal that Elizabeth had thus far observed in the proceedings. Elizabeth was not long in discerning that this same woman had made this proposal at former meetings; she knew this by the bored and sometimes angry expressions of the other members. The young curate seemed to feel a kind of vicarious shame for the woman. When the woman had finished, the matter was put to a vote, and all voted no, save the woman who had made the proposal, and she voted "aye" loudly, going down to defeat in the defiance of the unconvinced.

Then another woman rose and said that she had a matter to bring before the meeting; this matter related to a blind woman who had called on her and complained that the Organized Charities had refused to give her assistance. Now that the winter was coming on, the blind woman was filled with fear of want. Elizabeth had a dim vision of the blind woman, even from the crude and inadequate description; she felt a pity and a desire to help her, and, at the same time, with that condemnation which needs no more than accusation, a kind of indignation with the Organized Charities. For the first time she was interested in the proceedings, and leaned forward to hear what was to be done with the blind woman. But while the description had been inadequate to Elizabeth, so that her own imagination had filled out the portrait, it was, never-

theless, sufficient for the other members; a smile went round, glances were exchanged, and the secretary, with a calm, assured and superior expression, began to turn over the cards in her elaborate system of indexed names. There was instantly a general desire to speak, several persons were on their feet at once, saying "Madame President!" and Mrs. Russell recognized one of them with a smile that propitiated and promised the others in their turn. From the experiences that were then related, it was apparent that this blind woman was known to nearly all of the charity workers in the city; all of them spoke of her in terms of disparagement, which soon became terms of impatience. One of the ladies raised a laugh by declaring the blind woman to be a "chronic case," and then one of the men present, a gray-haired man, with a white mustache stained yellow by tobacco, rose and said that he had investigated the "case" and that it was not worthy. This man was the representative of a society which cared for animals, such as stray dogs, and mistreated horses, and employed this agent to investigate such cases, but it seemed that occasionally he concerned himself with human beings. He spoke now in a professional and authoritative manner, and when he declared that the case was not worthy, the blind woman, or the blind case, as it was considered, was disposed of. Some one said that she should be sent to the poorhouse.

When the blind woman had been consigned, so far as the bureau was concerned, to the poorhouse, Mrs. Russell said in her soft voice:

"Is there any unfinished business?"

Elizabeth, who was tired and bored, felt a sudden hope that this was the end, and she started up hopefully; but she found in Mrs. Russell's beautiful face a

quick smile of sympathy and patience. And Elizabeth was ashamed; she was sorry she had let Mrs. Russell see that she was weary of all this, and she felt a new dissatisfaction with herself. She told herself that she was utterly fickle and hopeless; she had entered upon this charity work with such enthusiasm, and here she was already tiring of it at the first meeting! Elizabeth looked at Mrs. Russell, and for a moment envied her her dignity and her tact and her patience, all of which must have come from her innate gentleness and kindness. The face of this woman, who presided so gracefully over this long, wearying session, was marked with lines of character, her brow was serene and calm under the perfectly white hair massed above it. The eyes were large, and they were sad, just as the mouth was sad, but there dwelt in the eyes always that same kindness and gentleness, that patience and consideration that gave Mrs. Russell her real distinction, her real indisputable claim to superiority. Elizabeth forgot her impatience and her weariness in a sudden speculation as to the cause of the sadness that lay somewhere in Mrs. Russell's life. She had known ease and luxury always; she had been spared all contact with that world which Elizabeth was just beginning to discover beyond the confines of her own narrow and selfish world. Mrs. Russell surely never had known the physical hunger which now and then was at least officially recognized in this room where the bureau met; could there be a hunger of the soul which gave this look to the human face? Elizabeth Ward had not yet realized this hunger, she had not yet come into the full consciousness of life, and so it was that just at a moment, when she seemed very near to its recognition, she lost herself in the luxury of romanticizing some

sorrow in Mrs. Russell's life, some sorrow kept hidden from the world. Elizabeth thought she saw this sorrow in the faint smile that touched Mrs. Russell's lips just then, as she gave a parliamentary recognition to another woman—a heavy, obtrusive woman who was rising to say:

"Madame President."

Elizabeth had hoped that there would be no unfinished business for the society to transact, but she had not learned that there was one piece of business which was always unfinished, and that was the question of raising funds. And this subject had no interest for Elizabeth; the question of money was one she could not grasp. It affected her as statistics did; it had absolutely no meaning for her; and now, when she was forced to pay attention to the heavy, obtrusive woman, because her voice was so strong and her tone so commanding, she was conscious only of the fact that she did not like this woman; somehow the woman overpowered Elizabeth by mere physical proportions. But gradually it dawned on Elizabeth that the discussion was turning on a charity ball, and she grew interested at once, for she felt herself on the brink of solving the old mystery of where charity balls originate. She had attended many of them, but it had never occurred to her that some one must have organized and promoted them; she had found them in her world as an institution, like calls, like receptions, like the church. But now a debate was on; the little woman, who had urged the society to open its sessions with prayer, was opposing the ball, and Elizabeth forgot Mrs. Russell's secret romance in her interest in the warmth with which the project of a charity ball was being discussed.

XIV

The debate over the charity ball raged until twilight, and it served for unfinished business at two special sessions. The spare little woman who had proposed that the meetings be opened with prayer led the opposition to the charity ball, and, summoning all her militant religion to her aid, succeeded in arraying most of the evangelical churches against it. In two weeks the controversy was in the newspapers, and when it had waged for a month, and both parties were exhausted, they compromised on a charity bazaar.

The dispute had been distressing to Mrs. Russell, whose nature was too sensitive to take the relish most of the others seemed to find in the controversy, and it was through her tact that peace was finally established. Even after the bazaar was decided on, the peace was threatened by dissension as to where the bazaar should be held. The more sophisticated and worldly-minded favored the Majestic Theater, and this brought the spare little woman to her feet again, trembling with moral indignation. To her the idea of a bazaar in a theater was even more sacrilegious than a ball. But Mrs. Russell saved the day by a final sacrifice—she offered her residence for the bazaar.

"It was beautiful in you!" Elizabeth exclaimed as they drove homeward together in the graying afternoon of the November day. "To think of throwing

your house open for a week—and having the whole town tramp over the rugs!"

"Oh, I'll lay the floors in canvas," said Mrs. Russell, with a little laugh she could not keep from ending in a sigh.

"You'll find it no light matter," said Elizabeth; "this turning your house inside out. Of course, the fact that it is *your* house will draw all the curious and vulgar in town."

This was not exactly reassuring and Elizabeth felt as much the moment she had said it.

"You must help me, dear!" Mrs. Russell said, squeezing Elizabeth's hand in a kind of desperation. Elizabeth had never known her to be in any wise demonstrative, and her own sympathetic nature responded immediately.

"Indeed I shall!" she said.

The bazaar was to be held the week before Christmas, and the ladies forgot their differences to unite in one of those tremendous and exhausting labors they seem ever ready to undertake, though the end is always so disproportionate to the sacrifice and toil that somehow bring it to pass. Elizabeth was almost constantly with Mrs. Russell; they were working early and late. Mrs. Russell appointed her on the committee on arrangements, and the committee held almost daily meetings at the Charities. And here Elizabeth at last found an opportunity of seeing some of the poor for whom she was working.

The fall had prolonged itself into November; the weather was so perfect that Dick could daily speed his automobile, and the men who, like Marriott, still clung to golf, could play on Saturdays and Sundays at the

Country Club. But December came, and with it a heavy rain that in three days became a sleet; then the snow and a cold wave. The wretched winter weather, which seems to have a spite almost personal for the lake regions, produced its results in the lives of men—there were suicides and crimes for the police, and for the Organized Charities, the poor, now forced to emerge from the retreats where in milder weather they could hide their wretchedness. They came forth, and when Elizabeth and Mrs. Russell entered the Charities one morning, there they were, ranged along the wall. They sat bundled in their rags, waiting in dumb patience for the last humiliation of an official investigation, making no sound save as their ailments compelled them to sneeze or to cough now and then; and as Elizabeth and Mrs. Russell passed into the room, they were followed by eyes that held no reproach or envy, but merely a mild curiosity. The poor sat there, perhaps glad of the warmth and the rest; willing to spend the day, if necessary; with hopes no higher than some mere temporary relief that would help them to eke out their lives a few hours longer and until another day, which should be like this day, repeating all its wants and hardships. The atmosphere of the room was stifling, with an odor that sickened Elizabeth, the fetor of all the dirt and disease that poverty had accumulated and heaped upon them.

At the desk Mrs. Rider, the clerk, and the two agents of the society were interrogating a woman. The woman was tall and slender, and her pale face had some trace of prettiness left; her clothing was better than that of the others, though it had remained over from some easier circumstance of the summer.

The woman was hungry, and she was sick. She had reported her condition to the agent of the Society for the Prevention of Cruelty, but as this man could think of nothing better than to arrest somebody and have somebody punished, he had had the woman's husband sent to the workhouse for six months, thus removing the only hope she had.

To Elizabeth it seemed that the three inquisitors were trying, not so much to discover some means of helping this woman, as to discover some excuse for not helping her; they took turns in putting to her, with a professional frankness, the most personal questions, —questions that made Elizabeth blush and burn with shame, even as they made the woman blush. But just then a middle-aged woman appeared, and Elizabeth instantly identified her when Mrs. Rider pleasantly addressed her by a name that appeared frequently in the newspapers in connection with deeds that took on the aspect of nobility and sacrifice.

"I'm so glad you dropped in, Mrs. Norton," said Mrs. Rider. "We have a most perplexing case."

The clerk lifted her eyebrows expressively, and somehow indicated to Mrs. Norton the woman she had just had under investigation. Mrs. Norton glanced at the hunted face and smiled.

"You mean the Ordway woman? Exactly. I know her case thoroughly. Mr. Gleason 'phoned me from the Society for the Prevention of Cruelty and I looked her up. You should have seen her room—the filthiest place I ever saw—and those children!" She raised her hands, covered with gloves, and her official-looking reticule slid up her forearm as if to express an impossibility. "The woman was tired of farm life—deter-

mined to come to town—fascinated by city life—she complained of her husband, and yet—what do you think?—she wanted me to get him out of the workhouse!"

Mrs. Norton stopped as if she had made an unanswerable argument and proved that the woman should not be helped; and Mrs. Rider and the two agents seemed to be relieved. Presently Mrs. Rider called the woman, and told her that her case was not one that came within the purview of the society's objects, and when the hope was dying out of the woman's face Mrs. Norton began to lecture her on the care of children, and to assure her the city was filled with pitfalls for such as she. The woman, beaten into humility, listened a while, and then she turned and dragged herself toward the door. The eyes of the waiting paupers followed her with the same impersonal curiosity they had shown in the entrance of Mrs. Russell and Elizabeth and Mrs. Norton.

The limp retreating figure of the woman filled Elizabeth with distress. When, at the door, she saw the woman press to her eyes the sodden handkerchief she had been rolling in her palm during the interview, she ran after her; in the hall outside, away from others, she called; the woman turned and gazed at her suspiciously.

"Here!" said Elizabeth fearfully.

She opened her purse and emptied from it into the woman's hand all the silver it held.

"Where do you live?" she asked, and as the woman gave her the number of the house where she rented a room, Elizabeth realized how inappropriate the word "live" was. Elizabeth returned to the office with a glow

in her breast, though she dreaded Mrs. Norton, whom she feared she had affronted by her deed. But Mrs. Norton received her with a smile.

"It seemed hard to you, no doubt," Mrs. Norton said, and Mrs. Rider and the two agents looked up with smiles of their own, as if they were about to shine in Mrs. Norton's justification, "but you'll learn after a while. We must discriminate, you know; we must not pauperize them. When you've been in the work as long as I have,"—she paused with a superior lift of her eyebrows at the use of this word "work,"—"you'll understand better."

Elizabeth felt a sudden indignation which she concealed, because she had her own doubts, after all. The ladies were gathering for the committee meeting and just then Mrs. Russell beckoned her into an inner room.

"The air is better in here," she said.

XV.

Every day Elizabeth went to the Organized Charities. The committee on arrangements divided itself into subcommittees, and these, with other committees that were raised, must have meetings, make reports, receive instructions, and consider ways and means. The labor entailed was enormous. The women were exhausted before the first week had ended; the rustling of their skirts as they ran to and fro, their incessant chatter—they all spoke at once—their squealing at each other as their nerves snapped under the strain, filled the rooms with clamor. But all this endless confusion and complication were considered necessary in order to effect an organization. If any one doubted or complained, it was only necessary to speak the word "organization," and criticism was immediately silenced.

It had been discovered very early in the work of this organization that Mrs. Russell's great house would be too small for the bazaar, and it had been a relief to her when a certain Mrs. Spayd offered to place at the disposal of the committee the new mansion her husband had just built on Claybourne Avenue and named with the foreign-sounding name of "Bellemere." Mrs. Spayd privately conveyed the information that the young people might have the ball-room at the top of the house, where the most exclusive, if they desired, could dance, and she commissioned a firm of decorators to transform Bellemere into a ba-

zaar. Mrs. Spayd was to bear the entire expense, and her charity was lauded everywhere, especially in the society columns of the newspapers. The booths were to represent different nations, and it was suddenly found to be desirable to dress as peasants. The women who were to serve in these booths flew to costumers to have typical clothing made. And this occasioned still greater conflict and confusion, for each woman wished to represent that country whose inhabitants were supposed to wear the most picturesque costumes.

Meanwhile the cold weather held and the poor besieged the Charities. No matter how early Elizabeth might arrive, no matter how late she might leave, they were always there, a stolid, patient row along the wall, or crowding up to the railing, or huddling in the hall outside. For a while Elizabeth, regarding them in the mass, thought that the same persons came each day, but she discovered that this was not the case. As she looked she noted a curious circumstance: the faces gradually took on individuality, slight at first, but soon decided, until each stood out among the others and developed the sharpest, most salient characteristics. She saw in each face the story of a single life, and always a life of neglect and failure, as if the misery of the world had been distributed in a kind of ironical variation. These people all were victims of a common doom, presenting itself each time in a different aspect; they were all alike—and yet they were all different, like leaves of a tree.

One afternoon Elizabeth suddenly noted a face that stood out in such relief that it became the only face there for her. It was the face of a young man, and it wore a strange pallor, and as Elizabeth hurried by she

was somehow conscious that the young man's eyes were following her with a peculiar searching glance. When she sat down to await the women of the committee with which she was to meet, the young man still gazed at her steadily; she grew uncomfortable, almost resentful. She felt this continued stare to be a rudeness, and then suddenly she wondered why any rudeness of these people should be capable of affecting her; surely they were not of her class, to be judged by her standards. But she turned away, and determined not to look that way again, for fear that the young man might accost her.

And yet, though she persistently looked away, the face had so impressed her that she still could see it. In her first glimpse it had been photographed on her mind; its pallor was remarkable, the skin had a damp, dead whiteness, as if it had bleached in a cave, curls of thin brown hair clung to the brows; on the boy's neck was a streak of black where the collar of his coat had rubbed its color. In his thin hands he held a plush cap. And out of his pale face his wan eyes looked and followed her; she could not escape them, and for relief she finally fled to the inner room.

"We have made arrangements," said one of the women, "to hold our committee meetings hereafter at Mrs. Spayd's. She has kindly put her library at our disposal. This place is unbearable!"

She flung up a window and let the fresh air pour in.

"Yes," sighed another woman, "the air is sickening. It gives me a headache. If the poor could only be taught that cleanliness is akin to godliness!"

Elizabeth's head ached, too; it would be a relief to be delivered out of this atmosphere. But still the face

of the young man pursued her. She could not follow the deliberations of the committee; she could think of nothing but that face. Where, she continually asked herself, had she seen it before? She sat by a window, and looked down into the street, preoccupied by the effort to identify it. She gave herself up to the pain of the process, as one does when trying to remember a name. Now and then she caught phrases of the sentences the women began, but seemed never able to finish:—"Oh, I hardly think that—" "As a class, of course—" "Oriental hangings would be best—" "Cheese-cloth looks cheap—" "Of course, flags—" "We could solicit the merchants—" "My husband was saying last night—"

But where had she seen that face before? Why should it pursue and worry her? What had she ever done? Finally, after two hours of the mighty effort and patience that are necessary to bring a number of minds to grasp a subject and agree even on the most insignificant detail, two hours in which thoughts hovered and flitted here and there, and could not find expression, when minds held back, and continually balked at the specific, the certain, the definite, and sought refuge from decision in the general and the abstract, the committee exhausted itself, and decided to adjourn. Then, although it had reached no conclusions whatever, the matron who presided smiled and said:

"Well, I feel that we're making progress."

"I don't feel as if we'd done much," some one else said. "And I can not come on Friday."

"Do you know, I really haven't got a single one of my Christmas presents yet."

"I have to give sixty-seven! Just think! What a burden it all is!"

Elizabeth dreaded the sight of that boy's face again, but it was growing late, the early winter twilight was expanding its gloom in the room. She made haste, and walked swiftly through the outer office. The young man was no longer there. But though this was a relief, his face still followed her. Who could he be?

The air out of doors was grateful. It soothed her hot cheeks, and, though her head throbbed more violently for an instant from the exertion of coming down the steps, she drew in great drafts of the winter air with a comforting sense that it was cleansing her lungs of all that foul atmosphere of poverty she had been breathing for two days. She walked hurriedly to the corner, to wait for a car; beside her, St. Luke's, as with an effort, lifted its Gothic arches of gray stone into the dark sky; across the street the City Hall loomed, its windows bright with lights. The afternoon crowds were streaming by on the sidewalk, wagons and heavy trucks jolted and rumbled along the street; she saw the drivers of coal-wagons, the whites of their eyes flashing under the electric lights against faces black as negroes with the grime. Politicians were coming from the City Hall; here and there, in and out of the crowd, newsboys darted, shouting "All 'bout the murder!" The shops were ablaze, their windows tricked out for the holidays; throngs of people hurried by, intent, preoccupied, selfish. As Elizabeth stood there, the constant stream of faces oppressed her with an intolerable gloom; the blazing electric lights, signs of theaters and restaurants, were mere mockeries of pleasure and comfort. And always the roar of the city. It was the

hour when the roar became low and dull, a deep, ugly note of weariness and discontent was in it, the grumble of a city that was exhausted from its long day of confusion and wearing, complicated effort. On the City Hall corner, a man with the red-banded cap of the Salvation Army stood beside an iron kettle suspended beneath a tripod, swaying from side to side, stamping his huge feet in the cold, jangling a little hand-bell, and constantly crying in a bass voice:

"Remember the poor! Remember the poor!"

She recalled, suddenly, that the outcasts at the Charities invariably sneered whenever the Salvation Army was suggested, and she was impatient with this man in the cap with the red band, his enormous sandy mustache frozen into repulsive little icicles. Why must he add his din to this tired roar of the worn-out city?

Her car came presently, jerking along, stopping and starting again in the crowded street. The crowd sweeping by brushed her now and then, but suddenly she felt a more personal contact—some one had touched her. She shrank; she shuddered with fear, then she ran out to her car. Inside she began again that study of faces. She tried not to do so, but she seemed unable to shake off the habit—that face seemed always to be looking out at her from all other faces, white and sensitive, with the black mark on the neck where the coat collar had rubbed its color. And the eyes more and more reproached her, as if she had been responsible for the sadness that lay in them. The car whirred on, the conductor opened the door with monotonous regularity, and called out the interminable streets. The air in the car, overheated by the little coal-stove, took on the foul smell of the air at the Charities.

Elizabeth's head ached more and more, a sickness came over her. At last she reached the street which led across to Claybourne Avenue, and got off. She crossed the little triangular park. The air had suddenly taken on a new life, it was colder and clearer. The dampness it had held in suspense for days was leaving it. Looking between the black trunks of the trees in the park she saw the western sky, yellow and red where the sun had gone down; and she thought of her home, with its comfort and warmth and light, and the logs in the great fireplace in the library. She hastened on, soothed and reassured. In the sense of certain comfort she now confidently anticipated, she could get the poor out of her mind, and feel as she used to feel before they came to annoy her. The clouds were clearing, the sky took on the deep blue it shows at evening; one star began to sparkle frostily, and, just as peace was returning, that young man's face came back, and she remembered instantly, in a flash, that it was the face of Harry Graves.

XVI

Elizabeth was right; it was Harry Graves. Four weeks before he had been released from the penitentiary. On the day that he was permitted to go forth into the world again as a free man, the warden gave him a railroad ticket back to the city, a suit of prison-made clothes, a pair of prison-made brogans, and a shirt. These clothes were a disappointment and a chagrin to Graves. When he went into the prison, the fall before, he had an excellent suit of clothes and a new overcoat, and during the whole year he had looked forward to the pleasure he would experience in donning these again. He had felt a security in returning to the world well-habited and presentable. But one of the guards had noticed Graves's clothes when he entered the penitentiary and had stolen them, so that when he was released, Graves was forced to go back wearing a suit of the shoddy clothes one of the contractors manufactured in the prison, and sold to the state at a profit sufficient to repay him and to provide certain officials of the penitentiary with a good income as well. These clothes were of dull black. A detective could recognize them anywhere. Before Graves had reached the city, the collar had rubbed black against his neck.

Things, of course, had changed while he was in prison. His mother had died and he had no home to

go to. Besides this, he had contracted tuberculosis in the penitentiary, as did many of the convicts unless they were men of exceptionally strong constitutions. Nevertheless Graves was glad to be free on any terms, and glad to be back in the city in which he had been born and reared. And yet, no sooner was he back than the fear of the city lay on him. He dreaded to meet men; he felt their eyes following him curiously. He knew that he presented an uncouth figure in those miserable clothes and the clumsy prison brogans. Besides, he had so long walked in the lock-step that his gait was now constrained, awkward and unnatural; having been forbidden to speak for more than a year, and having spoken at all but surreptitiously, he found it impossible to approach men with his old frankness; having been compelled to keep his gaze on the ground, he could not look men in the eyes, and so he seemed to be a surly, taciturn creature with a hang-dog air.

During the three weeks Graves had been confined in jail, prior to his plea and sentence, he had thought over his misdeeds, recognized his mistakes and formed the most strenuous resolutions of betterment. He was determined, then, to live a better life; but as he could not live while in prison, but merely "do time," he was compelled, of course, to wait a year before he could begin life anew. During the eleven months he spent in the penitentiary he had tried to keep these resolutions fresh, strong and ever clear before him. This was a difficult thing to do, for his mind was weakened by the confinement, and his moral sense was constantly clouded by the examples that were placed before him. On Sundays, in the chapel, he heard the chaplain

preach, but during the week the guards stole the comforts his mother sent to him before she died, the contractors and the prison officials were grafting and stealing from the state provisions, household furniture, liquors, wines, and every other sort of thing; one of the prison officials supplied his brother's drug store with medicines and surgical appliances from the prison hospital. Besides all this, the punishments he was compelled at times to witness—the water-cure, the paddle, the electric battery, the stringing up by the wrists, not to mention the loathsome practices of the convicts themselves—benumbed and appalled him, until he shuddered with terror lest his mind give way. But all these things, he felt, would be at an end if he could keep his reason and his health, and live to the end of his term. Then he could leave them all behind and go out into the world and begin life anew.

Graves came back to town during those last glorious days of the autumn, and the fact that he had no place to go was not so much a hardship. He did not care to show himself to his old friends until he had had opportunity to procure new clothes, and he felt that he was started on the way to this rehabilitation when almost immediately he found a place trucking merchandise for a wholesale house in Front Street. He felt encouraged; his luck, he told himself, was good, and for three days he was happy in his work. Then, one morning, he noticed a policeman; the policeman stood on the sidewalk, watching Graves roll barrels down the skids from a truck. The policeman stood there a good while, and then he spoke to the driver, admired the magnificent horses that were hitched to the truck, patted their glossy necks, picked up some

sugar that had been spilled from a burst barrel and let the horses lick the sugar from the palm of his hand. The horses tossed their heads playfully as they did this, and, meanwhile, the policeman glanced every few minutes at Graves. Presently, he went into the wholesale house, and through the window Graves saw him talking to the manager. That evening the manager paid Graves for his three days' work and discharged him.

On this money, four dollars and a half, Graves lived for a week, meanwhile hunting another job. He could do nothing except manual labor, for he was not properly clothed for any clerical employment. He walked along the entire river front, seeking work on the wharves as a stevedore, but no one could work there who was not a member of the Longshoremen's Union, and no one could be a member of the Longshoremen's Union who did not work there; so this plan failed. He visited employment bureaus, but these demanded fees and deposits. Graves read the want advertisements in the newspapers, but none of these availed him; each prospective employer demanded references which Graves could not give.

The snow-storm brought him a prosperity as fleeting as the snow itself; he went into the residence district —where as yet he had not had the heart to go because of memories that haunted it—and cleaned the sidewalks of the well-to-do. After a day or so, the sidewalks of the well-to-do were all cleaned,—that is, the sidewalks of those who respected the laws sufficiently to have their sidewalks cleaned. Then the rain came, and Graves tramped the slushy streets. His prison-made shoes were as pervious to water as paper,

of which substance, indeed, they were made; he contracted a cold, and his cough grew rapidly worse. He had no place to sleep. He spent a night in each of the two lodging-houses in the city, then he "flopped" on the floor of a police station. In this place he became infested with vermin, though this was no new experience to him after eleven months in the cells of the penitentiary. Meanwhile, he had little to eat. Once or twice, he visited hotel kitchens and the chefs gave him scraps from the table; then he did what for days he had been dreading—he tried to beg. After allowing twenty people to go by, he found the courage to hold out his hand to the twenty-first; the man passed without noticing him; a dozen others did likewise. Then a policeman saw him and arrested him on a charge of vagrancy. At the police station the officers, recognizing his prison clothes, held him for three days as a suspicious character. Then he was arraigned before Bostwick, who scowled and told him he would give him twenty-four hours in which to leave the city.

It was now cold. The wind cut through Graves's clothing like a saw; he skulked and hid for two days; then, intolerably hungry, he went to the Organized Charities. He sat there for two hours that afternoon, glad of the delay because the room was warm. He thought much during those two hours, though his thoughts were no longer clear. He was able, however, to recall a belief he had held before coming out of the penitentiary,—a belief that he had paid the penalty for his crime, that, having served the sentence society had imposed on him, his punishment was at an end. This view had seemed to be confirmed by the certificate that had been issued to him, under the Great Seal of State

and signed by the governor, restoring him to citizenship. But now he realized that this belief had been erroneous, that he had not at all paid the penalty, that he had not served his sentence, that his punishment was not at an end, and that he had not been restored to citizenship. The Great Seal of State had attested an hypocrisy and a lie, and the governor had signed his name to this lie with a conceited flourish at the end of his pen. Graves formulated this conclusion with an effort, but he grasped it finally, and his mind clung to it and revolved about it, finding something it could hold to.

And then, suddenly, Elizabeth Ward entered the room. He knew her instantly, and his heart leaped with a wild desperate hope. He watched her; she was beautiful in the seal-skin jacket that fitted her slender figure so well; her hat with its touch of green became her dark hair. He noted the flush of her cheek, the sparkle of her eyes behind the veil. He remembered her as he had seen her that last day she came into her father's office; he remembered how heavy his own heart had been under its load of guilty fears. He recalled the affection her father had shown, how his tired face had smiled when he saw her. Graves remembered that the smile had filled him with a pity for Ward; he seemed once more to see Ward fondly take her little gloved hand and hold it while he looked up at her, and how he had laughed and evidently joked her as he swung about to his desk and wrote out a check. And then, as she went out, she had smiled at the clerks and spoken to them; she had smiled on him and spoken to him; would she smile now, this day? The hope leaped wild in his heart. If she did! She

was the apple of her father's eye—he would do anything for her; if she would but see and recognize him now, give him the least hint of encouragement or permission, he would tell her, she would speak to her father and he would help him. His whole being seemed to melt within him—he half started from his chair—his eyes were wide with the excitement of this hope. He never once took them from her; he must not permit an instant to escape him, lest she look his way. He watched her as she sat by the window; she made a picture he never could forget. Once she turned. Ah! it was coming now!—but no—yes, she was moving! She had gone into the other room. He hoped now that his case would be one of the last. He must see her. After a while the agent beckoned him, looked at him suspiciously, and said:

"How long have you been out?"

"A month," said Graves.

"Well, I haven't got no use for convicts," said the agent.

Graves waited in the hall. He waited until it was dark, but not so dark that the agent could not recognize him.

"You needn't hang around," he said; "there's nothing to steal here."

Graves waited, then, outside. He feared he would miss Elizabeth in the dark, or confuse her among the other women. The thought made him almost frantic. The women came out, and finally—yes, it was Elizabeth! He could nowhere mistake that figure. He pressed up, he spoke, he put forth a hand to touch her—she turned with a start of fright. He saw a policeman looking at him narrowly. And then he gave up, slunk off, and was lost in the crowd.

XVII

Seated in the library at the Wards', Eades gave himself up to the influences of the moment. The open fire gave off the faint delicious odor of burning wood, the lamp filled the room with a soft light that gleamed on the gilt lettering of the books about the walls, the pictures above the low shelves—a portrait of Browning among them—lent to the room the dignity of the great souls they portrayed. Eades, who had just tried his second murder case, was glad to find this refuge from the thoughts that had harassed him for a week. Elizabeth noticed the weariness in his eyes, and she had a notion that his hair glistened a little more grayly at his temples.

"You've been going through an ordeal this week, haven't you?" She had expressed the thought that lay on their minds. He felt a thrill. She sympathized, and this was comfort; this was what he wanted!

"It must have been exciting," Elizabeth continued. "Murder trials usually are, I believe. I never saw one; I never was in a court-room in my life. Women do go, I suppose?"

"Yes—women of a certain kind." His tone deprecated the practice. "We've had big audiences all the week; it would have disgusted you to see them struggling and scrambling for admission. Now I suppose they'll be sending flowers to the wretch, and all that."

Eades chose to forget how entirely the crowd had

sympathized with him, and how the atmosphere of the trial had been wholly against the wretch.

"Well, I'll promise not to send him any flowers," Elizabeth said quickly. "He'll have to hang?"

"No, not hang; we don't hang people in this state any more; we electrocute them. But I forgot; Gordon Marriott told me I mustn't say 'electrocute'; he says there is no such word."

"Gordon is particular," Elizabeth observed with a laugh.

Eades thought she laughed sympathetically; and he wanted all her sympathy for himself just then.

"He calls it killing." Eades grasped the word boldly, like a nettle.

"Gordon doesn't believe in capital punishment."

"So I understand."

"I don't either."

Her tone startled him. He glanced up. She was looking at him steadily.

"Did you read of this man's crime?" he asked.

"No, I don't read about crimes."

"Then I'll spare you. Only, he shot a man down in cold blood; there were eye-witnesses; there is no doubt of his guilt. He made no defense."

"Then it couldn't have been hard to convict him."

"No," Eades admitted, though he did not like this detraction from his triumph. "But the responsibility is great."

"I should imagine so."

He did not know exactly what she meant; he wondered if this were sarcasm.

"It is indeed," he insisted.

"Yes," she went on, "I know it must be. I couldn't

bear it myself. I'm glad women are not called to such responsibilities. I believe it is said—isn't it?—that their sentimental natures unfit them." She was smiling.

"You're guying now," he said, leaning back in his chair.

"Oh, indeed, no! Of course, I know nothing about such things—save that you men are superior to your emotional natures, and rise above them and control them."

"Well, not always. We become emotional, but our emotions are usually excited on the side of justice."

"What is that?"

"Justice? Why—well—"

"You mean 'an eye for an eye,' I suppose, and 'a life for a life.'" Elizabeth looked at him steadily, and he feared she was making him ridiculous.

"I'm not sure that I believe in capital punishment myself," he said, seeing that she would not, after all, sympathize with him, "but luckily I have no choice; I have only my duty to do, and that is to enforce the laws as I find them." He settled back as if he had found a sure foundation and placed his fingers tip to tip, his polished nails gleaming in the firelight as if they were wet. "I can only do my duty; the jury, the judge, the executioner, may do theirs or not. My personal feelings can not enter into the matter in the least. That's the beauty of our system. Of course, it's hard and unpleasant, but we can't allow our sentiments to stand in the way." Plainly he enjoyed the nobility of this attitude. "As a man, I might not believe in capital punishment—but as an official—"

"You divide yourself into two personalities?"

"Well, in that sense—"

"How disagreeable!" Elizabeth gave a little shrug. "It's a kind of vivisection, isn't it?"

"But something has to be done. What would you have me do?" He sat up and met her, and she shrank from the conflict.

"Oh, don't ask me! I don't know anything about it, I'm sure! I know but one criminal, and I don't wish to dream about him to-night."

"It is strange to be discussing such topics," said Eades. "You must pardon me for being so disagreeable and depressing."

"Oh, I'll forgive you," she laughed. "I'd really like to know about such things. As I say, I have known but one criminal."

"The one you dream of?"

"Yes. Do you ever dream of your criminals?"

"Oh, never! It's bad enough to be brought into contact with them by day; I put them out of my mind when night comes. Except this Burns—he insists on pursuing me more or less. But now that he has his just deserts, perhaps he'll let me alone. But tell me about this criminal of yours, this lucky one you dream of. I'd become a criminal myself—"

"You know him already," Elizabeth said hastily, her cheeks coloring.

"I?"

"Yes. Do you remember Harry Graves?"

Eades bent his head and placed his knuckles to his chin.

"Graves, Graves?" he said. "It seems to me—"

"The boy who stole from my father; you had him sent to the penitentiary for a year—and papa—"

"Oh, I remember; that boy! To be sure. His term must be over now."

"Yes, it's over. I've seen him."

"You!" he said in surprise. "Where?"

"At the Charity Bureau, before Christmas."

"Ah, begging, of course." Eades shook his head. "I was in hopes our leniency would do him good; but it seems that it's never appreciated. I sometimes reproach myself with being too easy with them; but they do disappoint us—almost invariably. Begging! Well, they don't want to work, that's all. What became of him?"

"I don't know," said Elizabeth. "I saw him there, but didn't recognize him. After I had come away, I recalled him. I've reproached myself again and again. I wonder what has become of him!"

"It's sad, in a way," said Eades, "but I shouldn't worry. I used to worry, at first, but I soon learned to know them. They're no good, they won't work, they have no respect for law, they have no desire but to gratify their idle, vicious natures. The best thing is just to shut them up where they can't harm any one. This may seem heartless, but I don't think I'm heartless." He smiled tolerantly for himself. "I have no personal feeling in the matter, but I've learned from experience. As for this Graves—I had my doubts at the time. I thought then I was making a mistake in recommending leniency. But, really, your father was so cut up, and I'd rather err on the side of mercy." He paused a moment, and then said: "He'll turn up in court again some day. You'll see. I shouldn't lose any more sleep over him."

Elizabeth smiled faintly, but did not reply. She sat

with her elbow on the arm of her chair, her delicate chin resting on her hand, and Eades was content to let the subject drop, if it would. He wished the silence would prolong itself. His heart beat rapidly; he felt a new energy, a new joy pulsing within him. He sat and looked at her calmly, her gaze bent on the fire, her profile revealed to him, her lashes sweeping her cheek, the lace in her sleeve falling away from her slender arm. Should he tell her then? He longed to—but this was not, after all, the moment. The moment would come, and he must be patient. He must wait and prove himself to her; she must understand him; she should see him in time as the modern ideal of manhood, doing his duty courageously and without fear or favor. Some day he would tell her.

"Your charity bazaar was a success, I hope?" he said presently, coming back to the lighter side of their last topic.

"I don't know," Elizabeth said. "I never inquired."

"You never inquired?"

"No."

"How strange! Why not?"

"I lost interest."

"Oh!" he laughed. "Well, we all do that."

"The whole thing palled on me—struck me as ridiculous."

Eades was perplexed. He could not in the least understand this latest attitude. Surely, she was a girl of many surprises.

"I shouldn't think you would find charity ridiculous. A hard-hearted and cruel being like me might—but you—oh, Miss Ward! To think that helping the poor was ridiculous!"

"But it isn't to help the poor at all."

He was still more perplexed.

"It's to help the rich. Can't you see that?"

She turned and faced him with clear, sober gray eyes.

"Can't you see that?" she asked again. "If you can't, I wish I knew how to make you.

> "'The organized charity, scrimped and iced,
> In the name of a cautious, statistical Christ'—

"Do you know Boyle O'Reilly's poetry?"

Eades showed the embarrassment of one who has not the habit of reading, and she saw that the words had no meaning for him.

"Don't take it all so seriously," he said, leaning over as if he might plead with her. "'The poor,' you know, 'we have always with us.'" He settled back then as one who has said the thing proper to the occasion.

XVIII

Although Marriott had promised Koerner early in the fall that his action against the railroad would be tried at once, he was unable to bring the event to pass. In the first place, Bradford Ford, the attorney for the railroad, had to go east in his private car, then in the winter he had to go to Florida to rest and play golf, and because of these and other postponements it was March before the case was finally assigned for trial.

"So that's your client back there, is it?" said Ford, the morning of the trial, turning from the window and the lingering winter outdoors to look at Koerner.

Koerner was sitting by the trial table, his old wife by his side. He was pale and thin from his long winter indoors; his yellow, wrinkled skin stretched over his jaw-bones, hung flabby at his throat. As Ford and Marriott looked at him, a troubled expression appeared in Koerner's face; he did not like to see Marriott so companionable with Ford; he had ugly suspicions; he felt that Marriott should treat his opponent coldly and with the enmity such a contest deserved. But just at that minute Judge Sharlow came in and court was opened.

The trial lasted three days. The benches behind the bar were empty, the bailiff slept with his gray chin on his breast, the clerk copied pleadings in the record, pausing now and then to look out at the flurries of snow. Sharlow sat on the bench, trying to write an

opinion he had been working on for weeks. The jury sat in the jury-box, their eyes heavy with drowsiness, breathing grossly. Long ago life had paused in these men; they had certain fixed opinions, one of which was that any man who sued a corporation was entitled to damages; and after they had seen Koerner, with the stump of his leg sticking out from his chair, they were ready to render a verdict.

Marriott knew this, and Ford knew it, and consequently they gave attention, not to the jury, but to the stenographer bending over the tablet on which he transcribed the testimony with his fountain pen. Marriott and Ford were concerned about the record; they saw not so much this trial, as a hearing months or possibly years hence in the Appellate Court, and still another hearing months or years hence in the Supreme Court. They knew that just as the jurymen were in sympathy with Koerner, and by any possible means would give a verdict in his favor, so the judges in the higher courts would be in sympathy with the railroad company, and by any possible means give judgment in its favor; and, therefore, while Marriott's efforts were directed toward trying the case in such a way that the record should be free from error, Ford's efforts were directed toward trying the case in such a way that the record should be full of error. Ford was continually objecting to the questions Marriott asked his witnesses, and compelling Sharlow to drop his work and pass on these objections. One of Marriott's witnesses, a stalwart young mechanic, unmarried and with no responsibilities, testified positively that the frog in which Koerner had caught his foot had no block in it; he had examined it carefully at the time. Another, a man of

middle age with a large family, an employe of the railroad company, had the most unreliable memory—he could remember nothing at all about the frog; he could not say whether it had been blocked or not; he had not examined it; he had not considered it any of his business. While giving his testimony, he cast fearful and appealing glances at Ford, who smiled complacently, and for a while made no objections. Another witness was Gergen, the surgeon, a young man with eyeglasses, a tiny gold chain, and a scant black beard trimmed closely to his pale skin and pointed after the French fashion. He retained his overcoat and kept on his glasses while he testified, as if he must get through with this business and return to his practice as quickly as possible. With the greatest care he couched all his testimony in scientific phrases.

"I was summoned to the hospital," he said, "at seven-sixteen on that evening and found the patient prostrated by hemorrhage and shock. I supplemented the superficial examination of the internes and found that there were contusions on the left hip, and severe bruises on the entire left side. The most severe injury, however, developed in the right foot. The tibiotarsal articulation was destroyed, the calcaneum and astragalus were crushed and inoperable, the metatarsus and phalanges, and the internal and external malleolus were also crushed, and the fibula and tibia were splintered to the knee."

"Well, what then?"

"I gave orders to have the patient prepared, and proceeded to operate. My assistant, Doctor Remack, administered the anesthetic, and I amputated at the lower third."

Doctor Gergen then explained that what he had said meant that he had found Koerner's foot, ankle and knee crushed, and that he had cut off his leg above the knee. After this he told what fee he had charged; he did this in plain terms, calling dollars dollars, and cents cents.

But Koerner himself was a sufficient witness in his own behalf. Sitting on the stand, his crutches in the hollow of his arm, the stump of his leg thrust straight out before him and twitching now and then, he told of his long service with the railroad, pictured the blinding snow-storm, described how he had slipped and caught his foot in the unblocked frog—then the switch-engine noiselessly stealing down upon him. The jurymen roused from their lethargy as he turned his white and bony face toward them; the atmosphere was suddenly charged with the sympathy these aged men felt for him. Sharlow paused in his writing, the clerk ceased from his monotonous work, and Mrs. Koerner, whose expression had not changed, wiped her eyes with the handkerchief which, fresh from the iron, she had held all day without unfolding.

When Ford began his cross-examination, Koerner twisted about with difficulty in his chair, threw back his head, and his face became hard and obdurate. He ran his stiff and calloused hand through his white hair, which seemed to bristle with leonine defiance. Ford conducted his cross-examination in soft, pleasant tones, spoke to Koerner kindly and with consideration, scrupulously addressed him as "Mr. Koerner," and had him repeat all he had said about his injury.

"As I understand it, then, Mr. Koerner," said Ford,

"you were walking homeward at the end of the day through the railroad yards."

"Yes, sir, dot's right."

"You'd always gone home that way?"

"Sure; I go dot vay for twenty year, right t'rough dose yards dere."

"Yes. Was that a public highway, Mr. Koerner?"

"Vell, everybody go dot vay home all right; dot's so."

"But it wasn't a street?"

"No."

"Nor a sidewalk?"

"You know dot alreadty yourself," said Koerner, leaning forward, contracting his bushy white eyebrows and glaring at Ford. "Vot you vant to boder me mit such a damn-fool question for?"

The jurymen laughed and Ford smiled.

"I know, of course, Mr. Koerner; you will pardon me—but what I wish to know is whether or not you know. You had passed through those yards frequently?"

"Yah, undt I knows a damn-sight more about dose yards dan you, you bet."

Again the jurymen laughed in vicarious pleasure at another's profanity.

"I yield to you there, Mr. Koerner," said Ford in his suave manner. "But let us go on. You say your foot slipped?"

"Yah, dot's right."

"Slipped on the frozen snow?"

"Yah. I bedt you shlip on such a place as dot."

"No doubt," said Ford, who suddenly ceased to

smile. He now leaned forward; the faces of the two protagonists seemed to be close together.

"And, as a result, your foot slid into the frog, and was wedged there so that you could not get it out?"

"Yah."

"And the engine came along just then and ran over it?"

"Yah."

Ford suddenly sat upright, turned away, seemed to have lost interest, and said:

"That's all, Mr. Koerner."

And the old man was left sitting there, suspended as it were, his neck out-thrust, his white brows gathered in a scowl, his small eyes blinking.

Sharlow looked at Marriott, then said, as if to hurry Koerner off the stand:

"That's all, Mr. Koerner. Call your next."

When all the testimony for the plaintiff had been presented Ford moved to arrest the case from the jury; that is, he wished Sharlow to give judgment in favor of the railroad company without proceeding further. In making this motion, Ford stood beside his table, one hand resting on a pile of law-books he had had borne into the court-room that afternoon by a young attorney just admitted to the bar, who acted partly as clerk and partly as porter for Ford, carrying his law-books for him, finding his place in them, and, in general, relieving Ford from all that manual effort which is thought incompatible with professional dignity. As he spoke, Ford held in his hand the gold eye-glasses which seemed to betray him into an age which he did not look and did not like to admit. Marriott had expected this motion and listened attentively to what Ford said. The

Koerners, who did not at all understand, waited patiently. Meanwhile, Sharlow excused the jury, sank deeper in his chair and laid his forefinger learnedly along his cheek.

Ford's motion was based on the contention that the failure to block the frog—he spoke of this failure, perfectly patent to every one, as an alleged failure, and was careful to say that the defendant did not admit that the frog had not been blocked—that the alleged failure was not the proximate cause of Koerner's injury, but that the real cause was the ice about the frog on which Koerner, according to his own admission, had slipped. The unblocked frog, he said—admitting merely for the sake of argument that the frog was unblocked—was the remote cause, the ice was the proximate cause; the question then was, which of these had caused Koerner's injury? It was necessary that the injury be the effect of a cause which in law-books was referred to as a proximate cause; if it was not referred to as a proximate cause, but as a remote cause, then Koerner could not recover his damages. After elaborating this view and many times repeating the word "proximate," which seemed to take on a more formidable and insuperable sound each time he uttered it, Ford proceeded to elucidate his thought further, and in doing this, he used a term even more impressive than the word proximate; he used the phrase, "act of God." The ice, he said, was an "act of God," and as the railroad company was responsible, under the law, for its own acts only, it followed that, as "an act of God" was not an act of the railroad company, but an act of another, that is, of God, the railroad company could not be held accountable for the ice.

Having, as he said, indicated the outline of his argument, Ford said that he would pass to a second proposition; namely, that the motion must be granted for another reason. In stating this reason, Ford used the phrases, "trespass" and "contributory negligence," and these phrases had a sound even more ominous than the phrases "proximate" and "act of God." Ford declared that the railroad yards were the property of the railroad company, and therefore not a thoroughfare, and that Koerner, in walking through them, was a trespasser. The fact that Koerner was in the employ of the railroad, he said, did not give him the right to enter in and upon the yards—he had the lawyer's reckless extravagance in the use of prepositions, and whenever it was possible used the word "said" in place of "the"—for the reason that his employment did not necessarily lead him to said yard and, more than all, when Koerner completed his labors for the day, his right to remain in and about said premises instantly ceased. Therefore, he contended, Koerner was a trespasser, and a trespasser must suffer all the consequences of his trespass. Then Ford began to use the phrase "contributory negligence." He said that Koerner had been negligent in continuing in and upon said premises, and besides, had not used due care in avoiding the ice and snow on and about said frog; that he had the same means of knowing that the ice was there that the railroad company had, and hence had assumed whatever risk there was in passing on and over said ice, and that then and thereby he had been guilty of contributory negligence; that is, had contributed, by his own negligence, to his own injury. In fact, it seemed from Ford's argument that

Koerner had really invited his injury and purposely had the switch-engine cut off his leg.

"These, in brief, if the Court please," said Ford, who had spoken for an hour, "are the propositions I wish to place before your Honor." Ford paused, drew from his pocket a handkerchief, pressed it to his lips, passed it lightly over his forehead, and laid it on the table. Then he selected a law-book from the pile and opened it at the page his clerk had marked with a slip of paper. Sharlow, knowing what he had to expect, stirred uneasily and glanced at the clock.

During Ford's argument Sharlow had been thinking the matter over. He knew, of course, that the same combination of circumstances is never repeated, that there could be no other case in the world just like this, but that there were hundreds which resembled it, and that Ford and Marriott would ransack the law libraries to find these cases, explain them to him, differentiate them, and show how they resembled or did not resemble the case at bar. And, further, he knew that before he could decide the question Ford had raised he would have to stop and think what the common law of England had been on the subject, then whether that law had been changed by statute, then whether the statute had been changed, and, if it was still on the statute books, whether it could be said to be contrary to the Constitution of the United States or of the State. Then he would have to see what the courts had said about the subject, and, if more than one court had spoken, whether their opinions were in accord or at variance with each other. Besides this he would have to find out what the courts of other states had said on similar subjects and whether they had reversed themselves;

that is, said at one time something contrary to what they had said at another. If he could not reconcile these decisions he would have to render a decision himself, which he did not like to do, for there was always the danger that some case among the thousands reported had been overlooked by him, or by Ford or Marriott, and that the courts which would review his decision, in the years that would be devoted to the search, might discover that other case and declare that he had not decided the question properly. And even if the courts had decided this question, it might be discovered that the question was not, after all, the exact question involved in this case, or was not the exact question the courts had meant to decide. It would not do for Sharlow to decide this case according to the simple rule of right and wrong, which he could have found by looking into his own heart; that would not be lawful; he must decide it according to what had been said by other judges, most of whom were dead. Though if Sharlow did decide, his decision would become law for other judges to be guided by, until some judge in the future gave a different opinion.

Considering all this, Sharlow determined to postpone his decision as long as possible, and told Ford that he would not then listen to his authorities, but would hear what Marriott had to say.

And then Marriott spoke at length, opposing all that Ford had said, saying that the unblocked frog must be the proximate cause, for if it had been blocked, Koerner could not have caught his foot in it and could have got out of the way of the switch-engine. Furthermore, he declared that the yards had been used by the employes as a thoroughfare so long that a custom had

been established; that the unblocked frog, according to the statute, was *prima facie* negligence on the part of the defendant. And he said that if Ford was to submit authorities, he would like an opportunity to submit other authorities equally authoritative. At this Sharlow bowed, said he would adjourn court until two o'clock in order to consider the question, recalled the jury and cautioned them not to talk about the case. This caution was entirely worthless, because they talked of nothing else, either among themselves or with others; being idle men, they had nothing else to talk about.

Koerner had listened with amazement to Ford and Marriott, wondering how long they could talk about such incomprehensible subjects. He had tried to follow Ford's remarks and then had tried to follow Marriott's, but he derived nothing from it all except further suspicions of Marriott, who seemed to talk exactly as Ford talked and to use the same words and phrases. He felt, too, that Marriott should have spoken in louder tones and more vehemently, and shown more antipathy to Ford. And when they went out of the court-house, he asked Marriott what it all meant. But Marriott, who could not himself tell as yet what it meant, assured Koerner that an important legal question had arisen and that they must wait until it had been fully argued, considered and decided by the court. Koerner swung away on his crutches, saying to himself that it was all very strange; the switch-engine had cut off his leg, against his will, no one could gainsay that, and the only important question Koerner could see was how much the law would make the railroad company pay him for cutting off his leg. It seemed silly to him that

so much time should be wasted over such matters. But then, as Marriott had said, it was impossible for Koerner to understand legal questions.

By the time he opened court in the afternoon, Sharlow had decided on a course of action, one that would give him time to think over the question further. He announced that he would overrule the motion, but that counsel for defense might raise the question again at the close of the evidence, and, should a verdict result unfavorably to him, on the motion for a new trial.

Ford took exceptions, and began his defense, introducing several employes of the railroad to give testimony about the ice at the frog. When his evidence was in, Ford moved again to take the case from the jury, but Sharlow, having thought the matter over and found it necessary for his peace of mind to reach some conclusion, overruled the motion.

Then came the arguments, extending themselves into the following day; then Sharlow must speak; he must charge the jury. The purpose of the charge was to lay the law of the case before the jury, and for an hour he went on, talking of "proximate cause," of "contributory negligence," of "measure of damages," and at last, the jury having been confused sufficiently to meet all the requirements of the law, he told them they might retire.

It was now noon, and the court was deserted by all but Koerner and his wife, who sat there, side by side, and waited. It was too far for them to go home, and they had no money with which to lunch down town. The bright sun streamed through the windows with the first promise of returning warmth. Now and then from the jury room the Koerners could hear voices

raised in argument; then the noise would die, and for a long time it would be very still. Occasionally they would hear other sounds, the scraping of a chair on the floor, once a noise as of some one pounding a table; voices were raised again, then it grew still. And Koerner and his wife waited.

At half-past one the bailiff returned.

"Any sign?" he asked Koerner.

"Dey was some fightin'."

"They'll take their time," said the bailiff.

"Vot you t'ink?" Koerner ventured to ask.

"Oh, you'll win," said the bailiff. But Koerner was not so sure about that.

At two o'clock Sharlow returned and court began again. Another jury was called, another case opened, Koerner gave place to another man who was to exchange his present troubles for the more annoying ones the law would give him; to experience Koerner's perplexity, doubt, confusion, and hope changing constantly to fear. Other lawyers began other wrangles over other questions of law.

At three o'clock there was a loud pounding on the door of the jury room. Every one in the court-room turned with sudden expectation. The bailiff drew out his keys, unlocked the door, spoke to the men inside, and then went to telephone to Marriott and Ford. After a while Marriott appeared, but Ford had not arrived. Marriott went out himself and telephoned; Ford had not returned from luncheon. He telephoned to Ford's home, then to his club. Finally, at four o'clock, Ford came.

After the verdict Marriott went to the Koerners and whispered:

"We can go now."

The old man got up, his wife helped him into his overcoat, and he swung out of the court-room on his crutches. He had tried to understand what the clerk had read, but could not. He thought he had lost his case.

"Well, I congratulate you, Mr. Koerner," said Marriott when they were in the corridor.

"How's dot?" asked the old man harshly.

"Why, you won."

"Me?"

"Yes; didn't you know?"

"I vin?"

"Certainly, you won. You get eight thousand dollars."

The old man stopped and looked at Marriott.

"Eight t'ousandt?"

"Yes, eight thousand."

"I get eight t'ousandt, huh?"

"Yes."

A smile transfigured the heavy, bony face.

"Py Gott!" he said. "Dot's goodt, hain't it?"

XIX

Late in April they argued the motion for a new trial, and on the last day of the term Sharlow announced his decision, overruling the motion, and entered judgment in Koerner's favor. Though Marriott knew that Ford would carry the case up on error, he had, nevertheless, won a victory, and he felt so confident and happy that he decided to go to Koerner and tell him the good news. The sky had lost the pale shimmer of the early spring and taken on a deeper tone. The sun was warm, and in the narrow plots between the wooden sidewalks and the curb, the grass was green. The trees wore a gauze of yellowish green, the first glow of living color they soon must show. A robin sprang swiftly across a lawn, stopping to swell his ruddy breast. Marriott made a short cut across a commons, beyond which the spire of a Polish Catholic church rose into the sky. The bare spots of the commons, warmed by the sun, exhaled the strong odor of the earth, recalling memories of other springs. Some shaggy boys, truants, doubtless, too wise to go to school on such a day, were playing a game of base-ball, writhing and contorting their little bodies, raging and screaming and swearing at one another in innocent imitation of the profanity of their fathers and elder brothers.

Koerner, supported by one crutch, was leaning over his front gate. He was recklessly bareheaded; his white, disordered hair maintained its aspect of fierce-

ness, and, as Marriott drew near, he turned on him his great, bony face, without a change of expression.

"Well, Mr. Koerner, this is a fine day, isn't it?" said Marriott as he took the old man's hand. "I guess the spring's here at last."

Koerner took his constant pipe from his lips, raised his eyes and made an observation of the heavens.

"Vell, dot veat'er's all right." As he returned the amber stem to his yellow teeth, Marriott saw that the blackened bowl of the pipe was empty. The old man let Marriott in at his gate, then swinging about, went to the stoop, lowered himself from his crutches and sat down, with a grunt at the effort.

"Aren't you afraid for your rheumatism?" asked Marriott, sitting down beside him.

"Vot's up now again, huh?" demanded Koerner, ignoring this solicitude for his health.

"Nothing but good news this time," Marriott was glad to say.

"Goodt news, huh?"

"Yes, good news. The judge has refused the motion for a new trial."

"Den I vin for sure dis time, ain't it?"

"Yes, this time," said Marriott.

"I get my money now right avay?"

"Well, pretty soon."

The old man turned to Marriott with his blue eyes narrowed beneath the white brush of his eyebrows.

"Vot you mean by dot pretty soon?"

"Well, you see, Mr. Koerner, as I explained to you," —Marriott set himself to the task of explaining the latest development in the case; he tried to present the proceedings in the Appellate Court in their most en-

couraging light, but he was conscious that Koerner understood nothing save that there were to be more delays.

"But we must be patient, Mr. Koerner," he said. "It will come out all right."

Koerner made no reply. To Marriott his figure was infinitely pathetic. He looked at the great face, lined and seamed; the eyes that saw nothing—not the little yard before them where the turf was growing green, not the blackened limbs of a little maple tree struggling to put forth its leaves, not the warm mud glistening in the sun, not the dirty street piled with ashes, not the broken fence and sidewalk, the ugly little houses across the street, nor the purple sky above them—they were gazing beyond all this. Marriott looked at the old man's lips; they trembled, then they puckered themselves about the stem of his pipe and puffed automatically. Marriott, hanging his head, lighted a cigarette.

"Mis'er Marriott," Koerner began presently, "I been an oldt man. I been an hones' man; py Gott! I vork hardt efery day. I haf blenty troubles. I t'ink ven I lose dot damned oldt leg, I t'ink, vell, maybe I get some rest now bretty soon. I say to dot oldt leg: 'You bin achin' mit der rheumatiz all dose year, now you haf to kvit, py Gott!' I t'ink I get some rest, I get some dose damages, den maybe I take der oldt voman undt dose childer undt I go out to der oldt gountry; I go back to Chairmany, undt I haf some peace dere. Vell —dot's been a long time, Mis'er Marriott; dot law, he's a damn humpug; he's bin fer der railroadt gompany; he's not been fer der boor man. Der boor man, he's got no show. Dot's been a long time. Maybe, by undt by I die—dot case, he's still go on, huh?"

The old man looked at Marriott quizzically.

"Vell, I gan't go out to der oldt gountry now any more. I haf more drouble—dot poy Archie—vell, he bin in drouble too, and now my girl, dot Gusta—"

The old man's lips trembled.

"Vell, she's gone, too."

A tear was rolling down Koerner's cheek. Marriott could not answer him just then; he did not dare to look; he could scarcely bear to think of this old man, with his dream of going home to the Fatherland—and all his disappointments. Suddenly, the spring had receded again; the air was chill, the sun lost its warmth, the sky took on the pale, cold glitter of the days he thought were gone. He could hear Koerner's lips puffing at his pipe. Suddenly, a suspicion came to him.

"Mr. Koerner," he asked, "why aren't you smoking?"

The old man seemed ashamed.

"Tell me," Marriott demanded.

"Vell—dot's all right. I hain't—chust got der tobacco."

The truth flashed on Marriott; this was deprivation—when a man could not get tobacco! He thought an instant; then he drew out his case of cigarettes, took them, broke their papers and seizing Koerner's hand said:

"Here, here's a pipeful, anyway; this'll do till I can send you some."

And he poured the tobacco into Koerner's bare palm. The old man took the tobacco, pressed it into the bowl of his pipe, Marriott struck a match, Koerner lighted his pipe, and sat a few moments in the comfort of smoking again.

"Dot's bretty goodt," he said presently. He smoked on. After a while he turned to Marriott with his old shrewd, humorous glance, his blue eyes twinkled, his white brows twitched.

"Vell, Mis'er Marriott, you nefer t'ought you see der oldt man shmokin' cigarettes, huh?"

Marriott laughed, glad of the relief, and glad of the new sense of comradeship the tobacco brought.

"Now tell me, Mr. Koerner," he said, "are you in want—do you need anything?"

Koerner did not reply at once.

"Come on now," Marriott urged, "tell me—have you anything to eat in the house?"

"Vell," Koerner admitted, "not much."

"Have you anything at all to eat?"

Koerner hung his head then, in the strange, unaccountable shame people feel in poverty.

"Vell, I—undt der oldt voman—ve hafn't had any-t'ing to eat to-day."

"And the children?"

"Ve gif dem der last dis morning alreadty."

Marriott closed his eyes in the pain of it. He reproached himself that he who argued so glibly that people in general lack the cultured imagination that would enable them to realize the plight of the submerged poor, should have had this condition so long under his very eyes and not have seen it. He was humbled, and then he was angry with himself—an anger he was instantly able to change into an anger with Koerner.

"Well, Mr. Koerner," he said. "I don't know that I ought to sympathize with you, after all. You might have told me; you might have known I should be glad to help you; you might have saved me—"

He was about to add "the pain," but he recognized the selfishness of this view, and paused.

"I'll help you, of course," he went on. "My God, man, you mustn't go hungry! Won't the grocer trust you?"

The old man was humbled now, and this humility, this final acquiescense and submission, this rare spirit beaten down and broken at last, this was hardest of all to bear, unless it were his own self-consciousness in this presence of humiliated age—these white hairs and he himself so young! He felt like turning from the indignity of this poverty, as if he had been intruding on another's unmerited shame.

"I'll go and attend to it," said Marriott, rising at once.

"No, you vait," said Koerner, "chust a minute. You know my boy, Mis'er Marriott, Archie? Vell, I write him aboudt der case, but I don't get a answer. He used to write eff'ry two veeks, undt now—he don't write no more. Vot you t'ink, huh?" The old man looked up at him in the hunger of soul that is even more dreadful than the hunger of body.

"I'll attend to that, too, Mr. Koerner; I'll write down and find out, and I'll let you know."

"Undt Gusta," the old man began as if, having opened his heart at last, he would unburden it of all its woes—but he paused and shook his head slowly. "Dot's no use, I guess. De veat'er's getting bedder now, undt maybe I get out some; maybe I look her up undt find her."

"You don't know where she is?"

The white head shook again.

"She's go avay—she's got in trouble, too."

In trouble! It was all the same to him—poverty, hunger, misfortune, guilt, frailty, false steps, crime, sin —to these wise poor, thought Marriott, it was all just "trouble."

"But it will be all right," he said, "and I'll advance you what money you need. I'll write to the warden about Archie, we'll find Gusta, and we'll win the case." He thought again—the old man might as well have his dream, too. "You'll go back to Germany yet, you'll see."

Koerner looked up, clutching at hope again.

"You t'ink dot? You t'ink I vin, huh?"

"Sure," said Marriott heartily, determined to drag joy back into the world.

"Py Gott, dot's goodt! I guess I beat dot gompany. I vork for it dose t'irty-sefen year; den dey turn me off. Vell, I beat him, yet. Chust let dot lawyer Ford talk; let him talk his damned headt off. I beat him—some day."

"I'll go now, Mr. Koerner. I'll speak to the grocer, and I'll send you something so you can have a little supper. No, don't get up."

Koerner stretched forth his hand.

"You bin a goodt friendt, Mis'er Marriott."

Marriott went to the grocery on the corner. The grocer, a little man, very fat, ran about filling his orders, sickening Marriott with his petty sycophancy.

"Some bacon? Yes, sir. Sugar, butter, bread? Yes, sir. Coffee? Here you are, sir. Potatoes—about a peck, sir?"

Marriott, with no notion of what he should buy, bought everything, and added some tobacco for Koerner and some candy for the children. And when he

had arranged with the grocer for an extension of credit to Koerner on his own promise to pay—a promise the canny grocer had Marriott indorse on the card he gave him—Marriott went away with some of the satisfaction of his good deed; but the grace of spring had gone out of the day and would not now return.

XX

The reason why Archie had not answered his father's letter was a simple one. On that spring afternoon while Koerner and Marriott were sitting on the stoop, Archie, stripped to the waist, was hanging by his wrists from the ceiling of a dungeon, called a bull cell, in the cellar under the chapel, his bare feet just touching the floor. He had been hanging there for three days. At night he was let down and given a piece of bread and a cup of water, and allowed to lie on the floor, still handcuffed. At morning guards came, raised Archie, lifted him up, and chained his wrists to the bull rings. Later, Deputy Warden Ball sauntered by with his cane hooked over his arm, peered in through the bars, smiled, and said, in his peculiar soft voice:

"Well, Archie, my boy, had enough?"

McBride, the contractor, who had picked Archie out of the group of new convicts in the idle house the day after he arrived at the prison, had set him to work in a shop known as "Bolt B." His work was to make iron bolts, and all day long, from seven in the morning until five in the afternoon, he stood with one foot on the treadle, sticking little bits of iron into the maw of the machine and snatching them out again. At dinner-time the convicts marched out of the shop, stood in close-locked ranks until the whistle blew, and then marched across the yard to the dining-room for their

sky-blue, their bread, their molasses and their boot-leg. Archie had watched the seasons change in this yard, he had seen its grass-plot fade and the leaves of its stunted trees turn yellow, he had seen it piled with snow and ice; now it was turning green with spring, just like the world outside. Sometimes, as they passed, he caught a glimpse of the death-squad—the men who were being kept until they could be killed in the electric chair—taking their daily exercise, curiously enough, for the benefit of their health. This squad varied in numbers. Sometimes there were a dozen, then there would come a night of horror when the floor of the cell-house was deadened with saw-dust. The next day one would be missing; only eleven would be exercising for their health. Then would come other nights of horror, and the squad would decrease until there were but six. But soon it would begin to increase again, and the number would run up to the normal. Sometimes, in summer, the Sunday-school excursionists had an opportunity to see the death-squad. Archie had seen the children, held by a sick, morbid interest, shrink when the men marched by, as if they were something other than mere people.

Each evening Archie and the other convicts marched again to the dining-room, and ate bread and molasses; then they sat in their cells for an hour while the cell-house echoed with the twanging of guitars and banjos, mouth-organs, jews'-harps, accordeons, and the raucous voices of the peddlers—a hideous bedlam. Those who had hall-permits talked with one another, or with friendly guards. Sometimes, if the guard were "right," he gave Archie a candle and permitted him to read after the lights were out.

All week-days were alike. On Sunday they went to chapel and listened to the chaplain talk about Christ, who, it was said, came to preach deliverance to the captives. The chaplain told the convicts they could save their souls in the world to which they would go when they died, if they believed on Christ. Archie did not understand what it was that he was expected to believe, any more than he had when the sky-pilot at the works had said very much the same thing. It could not be that they expected him to believe that Christ came to preach deliverance to captives such as he. So he paid no attention to the sky-pilot. He found it more interesting to watch the death-squad, who, as likely to go to that world before any of the others, were given seats in the front pews. Near the death-squad were several convicts in chains. They were considered to be extremely bad and greatly in need of religion. The authorities, it seemed, were determined to give them this religion, even if they had to hold them in chains while they did so. In the corners of the chapel, behind protecting iron bars, were guards armed with rifles, who vigilantly watched the convicts while the chaplain preached to them the religion of the gentle Nazarene. The chaplain said it was the religion of the gentle Nazarene, but in reality it was the religion of Moses, or sometimes that of Paul, and even of later men that he preached to the convicts rather than the religion of Jesus. The convicts did not know this, however. Neither did the chaplain.

Yes, the days were exactly alike, especially as to the work, for Archie was required to turn out hundreds of bolts a day; a minimum number was fixed, and this was called a "task." If he did not do this task, he was

punished. It was difficult to perform this task; only by toiling incessantly every minute could he succeed. And even then it was hard, for in addition to keeping his eye on his machine, he had to keep his eye on the pile of bolts beside him, for the other convicts would rat; that is, steal from his pile in order to lessen their own tasks. For those bolts that were spoiled, Archie was given no credit; every hour an inspector came around, looked the bolts over and threw out those that were defective. For this toil, which was unpaid and in which he took no pride and found no joy because it was ugly and without any result to him, Archie felt nothing but loathing. This feeling was common among all the men in the shop; they resorted to all sorts of devices to escape it; some of them allowed the machines to snip off the ends of their fingers so they could work no more; others found a friend in Sweeny, the confidence man who was serving a five-year sentence and was detailed as a steward in the hospital. When they were in the hospital, Sweeny would burn the end of a finger with acid, rub dirt on it, and when it festered, amputate the finger.

Belden, who worked a machine next to Archie, did that; but only as a last resort.

"It's no use for me to learn this trade," he said to Archie one day when the guard was at the other end of the shop.

"Why not?"

"'Cause I'll be on the street in two months; my mouthpiece's going to take my case to the Supreme Court, and he's sure to have it reversed. All I got to do's to raise a hundred and fifty case; I've written my mother, and she's already saved up seventy-eight.

There's nothing to it. Me learn to make these damned bolts for McBride? I guess not!"

Belden talked a great deal about his case in the Supreme Court. Many of the convicts did that. They did everything to raise money for their lawyers. After Belden's attorney had taken the case up, and failed, Belden made application for pardon; and this required more money. His mother was saving up again. But this failed also; then Belden feigned sickness, was sent to the hospital; and they all admired him for his success.

Archie was sick once, and after three sick calls—he was, in reality, utterly miserable and suffered greatly—the physician, who, like every one else in the penitentiary, was controlled by the contractors, gave in and sent him to the hospital. Though the hospital was a filthy place, Archie for two days enjoyed the rest he found there. Then Sweeny told him that the bed he occupied had not been changed since a consumptive had died in it the day before Archie arrived.

"You stick to that pad," said Sweeny, "and the croakers'll be peddling your stiff in a month."

Sweeny was accounted very wise, as indeed he was; for he held his position by reason of his discovery that the doctor was supplying his brother, who kept a drug-store outside, with medicines, silk bandages, plasters and surgical instruments.

Archie recovered then and went back to Bolt B.

After his return things went better for a while, because, to his surprise, the Kid, of whom he had heard in the jail at home, was there working at the machine next to his. The Kid had been transferred to that shop because he had utterly demoralized Bolt A, where

he had been working. The little pickpocket, indeed, had been tried on all kinds of work—in the broom factory, in the cigar factory, in the foundry, everywhere, but he could not long be tolerated anywhere. His presence was too diverting. He was taken from the broom shop because he amused himself at the expense of a country boy sent up for grand larceny, whom, as the country boy thought, he was teaching to be a prowler. In the cigar shop he made another unsophisticated boy think that he could teach him the secret of making "cluck," or counterfeit money; and he went so far as to give him a can of soft gray earth, which the convict thought was crude silver, and some broken glass to give the metal the proper ring. The convict hid this rubbish in his cell and jealously guarded it; he was to be released in a month. For a while the warden employed the Kid about the office, but one day he said to one of the trusties, an old life man who had been in the prison twenty years, until his mind had weakened under the confinement:

"What do you want to stay around here for? Ain't there other countries besides this?"

The old man sniggered in his silly way, then he went to the warden, and hanging his head with a demented leer said:

"Warden, the Kid said there's other countries besides this."

He stood, swaying like a doltish school-boy from side to side, grinning, with his tongue lolling over his lips.

The warden summoned the Kid.

"What do you mean," he said, "putting notions in old Farlow's head?"

The Kid was surprised.

"Oh, come off," said the warden impatiently. "You know—telling him there were other countries besides this?"

"Oh!" said the Kid with sudden illumination. "Oh, now I know what you mean!" And he laughed. "He asked me where I was from and I told him Canada. Then he wanted to know if Canada was in this country, and I told him there were other countries besides this."

"You're too smart, Willie," said the warden. "You'd better go back to the shops."

They tried all the punishments, the paddle, the battery, the water-cure, the bull rings, but nothing availed to break the Kid's spirit. Then he was put on a bolt machine.

There was a convict named Dalton working near Archie and the Kid. Dalton had but one thought left in his mind, and this was that when he got out he would go to where he had concealed a kit of burglar tools. He had been the victim of some earlier practical jokers in the penitentiary, and had had a locksmith fashion for him tools such as no burglar ever needed or used in a business in which a jimmy, a piece of broom-stick and creepers are all the paraphernalia necessary. Dalton still had fourteen years to serve.

"Well, Jack, how's everything this morning?" the Kid would ask as soon as the guard went down to the other end of the shop.

"Oh, all right," Dalton would reply. Then he would grow serious, grit his teeth, clench his fist for emphasis and say: "Just wait till I get home! By God, if any one springs that kit of mine, I'll croak him!"

"Where's the plant?" the Kid would ask. "In the jungle?"

"Oh, you'll never find out!" Dalton would reply warily.

"Some of the hoosiers or the bulls are likely to spring it," the Kid would suggest.

The possibility tortured Dalton.

"By God," he could only say, "if they do—I'll croak 'em!"

"I wouldn't do that," said the Kid. "Get Dutch here to take you out with a tribe of peter men; he can teach you to pour the soup. Can't you get a little soup and some strings and begin with him now, Archie?"

"Sure," said Archie, grinning, proud to be thus recognized.

"That's the grift; we'll nick the screw; and when you go home you'll be ready to—"

"No," said Dalton determinedly, "I've got them tools planted—but—"

"Why don't you take him out with a swell mob of guns?" suggested Archie.

"Think he could stall for the dip?" asked the Kid. "What do you think, Jack?"

"I'll stick to prowlin'," said Dalton, shaking his head and muttering to himself.

"He's stir simple," remarked the Kid, not without pity.

But the Kid was tired of his new occupation.

"I don't believe I'm a very good bolt-maker," he said to Archie.

"You might cut off a finger, or get Sweeny—"

"Nix," said the Kid. "Not for Willie. I'll need my finger. I'd do a nice job of reefing a kick with a finger

gone, wouldn't I?" He looked at his fingers, rapidly stiffening under the rough, hard work.

"Didn't I tell you to stop that spieling?" demanded a guard who had slipped up behind him.

The Kid gave the guard a look that expressed the contempt he felt for him better than any words.

"I'll report you for insolence," said the guard angrily.

"For what?" said the Kid.

"Insolence."

"How could you?" asked the Kid calmly. "You couldn't spell the word."

The guard made a mark on his card.

"You'll be stood out for that," said the guard. The Kid's face darkened, but he controlled himself. For he had another plan.

A few days later he said to Archie:

"Are you on to that inspector?"

"What for?" asked Archie.

"He's boostin' bolts."

Archie thought of this for a long time. It took several days for him to realize a new idea. The inspector, in pretending to throw out defective bolts, threw out quite as many perfect ones. These were boxed, shipped and sold by the contractor, who pocketed the entire proceeds without reporting them to the authorities. The Kid had discovered this system after a week of experience in having his labor stolen from him, and the inspector, more and more greedy, had grown bolder, until now he was stealing large quantities of bolts; and the tasks of Archie and the Kid were becoming more and more impossible of performance. The Kid was silent for days; his brows contracted as he

jumped nimbly up and down before his clanking machine. Then one day when McBride was in the shop the Kid obtained permission to speak to him.

"Mr. McBride," he said, "I want a thousand dollars."

McBride took his cigar from his lips, flecked some dust from his new top-coat, and a laugh spread over his rough red face.

"What's the kid this time, Willie?"

"This is on the square," said the Kid. "I want a thousand case, that's all."

McBride saw that he was serious for once.

"I'll blow it off, if you don't," said the Kid.

"Blow what off?"

"The graft."

"What graft?"

"The defectives—oh, you know!"

McBride turned ashen, then his face blazed suddenly with rage.

"I'll report you for this insolence!"

"All right," said the Kid, "I'll report you for stealing. It ain't moral, the sky-pilot says."

Archie saw the Kid no more after that evening; he was "stood out" at roll-call; and in the way the news of the little insular world inclosed in the prison walls spreads among its inmates, he heard that the Kid had been given the paddle and had been hung up in the cellar. When his punishment was ended, he was transferred to the shoe shop and set to work making paper soles for shoes. But he did not work long. He soon conceived a plan which for two years was to baffle all the prison authorities, especially the physicians. He developed a disease of the nerves; he said it was the

result of running a bolt machine and of his subsequent punishment. The theory he imparted to the doctors, in his innocent manner, was that the blows of the paddle with the hanging had bruised and stretched his spine.

The symptoms of the Kid's strange affliction were these: he could not stand still for an instant; his nerves seemed entirely demoralized, his muscles beyond control. He would stand before the doctors and twitch and spasmodically shuffle his feet for hours, while the doctors, those on the prison staff and those from outside, held consultations. Opinions differed widely. Some said that the Kid was malingering, others that his spine was really affected. Day after day the doctors examined him; they tested the accommodation of the pupils of the eyes, they had him walk blindfolded, they tested his extremities with heat and cold, with needles, and with electricity. Then they seated him, had him cross his legs and struck him below the knee-cap, testing his reflex action. Strangely enough, his reflexes were defective.

"Bum gimp, eh, Doc?" he would say mournfully.

For a while, after the Kid had gone, Archie found it easier to accomplish his daily task, for the reason that the inspector did not throw out so many defective bolts. But McGlynn, the guard on Archie's contract, disliked him and was ever ready to report him, and Archie, while he did not at all realize it and could not analyze it, developed the feeling within him that the system which the people, and the legislature, and the committee on penal and reformatory institutions, and the state board of charities had devised and were so proud of, was not a system at all, for the simple rea-

son that it depended solely on men and had nothing else to depend on. And just as the judge, the jurymen, the prosecutor and the policemen were swayed by a thousand whims and prejudices and moved by countless influences of which they were unconscious, so the guards who held power over him were similarly swayed. For each demerit he lost standing, and demerits depended not on his conduct, but on the feelings of the guards. McGlynn disliked Archie because he was German. He gave him demerits for all sorts of things, and it was not long before Archie realized that he had already lost all his good time and would have to serve out the whole year. And then the inspector grew reckless and bold. McBride was greedy for profits, and in a few weeks the bolts under Archie's machine were again disappearing as rapidly as ever, and his task was wholly beyond him. And then a dull, sullen stubbornness seized him, and one morning, in a fit of black rage, seeing the inspector throw out a dozen perfect bolts, he stopped work. The inspector looked up, then signaled the guard. McGlynn came.

"Get to work, you!" he said in a rage.

Archie looked at him sullenly.

"You hear?" yelled McGlynn, raising his voice above the din of the machines.

Archie did not move.

McGlynn took a step toward him, but when he saw the look in Archie's eyes, he paused.

"Stand out, you toaster," he said.

The next morning at seven o'clock Archie stood, with forty other convicts who had broken rules or were accused of breaking rules, in the prison court. This

court was held every morning in the basement of the chapel to try infractions of the prison discipline. This basement of the chapel was known about the penitentiary as "the cellar," and as the word was spoken it took on indeed a dark and sinister, one might almost say a subterranean significance. For in the cellar were the solitary, the bull rings, the ducking tub, the paddle, —all the instruments of torture. And in the cellar, too, was the court. Externally, it might have reminded Archie somewhat of the police court at home, as it reminded other convicts of other police courts. It was a small room made of wooden partitions, and in it, behind a rail, was a platform for the deputy warden. It may have reminded the convicts, too, of other courts in its pitiable line of accused, in its still more pitiable line of accusers. For there were guards grinning in petty triumph, awaiting the revenge they could vicariously and safely enjoy for the infractions which never could seem to their primitive, brutal minds other than personal slights and affronts.

This strange and amazing court, based on no law and owning no law, this court from which there was no appeal, whose judgments could not be reviewed, this court which could not err, was presided over by Deputy Warden Ball. He lay now loosely in his chair behind the railing, his long legs stretched before him, the soles of his big shoes protruding, his long arms hanging by his sides, rolling a cigar round and round between his long teeth blackened by nicotine. He lay there as if he had fallen apart, as if the various pieces of him, his feet and legs, his arms and hands, would have to be assembled before he could move again. But this impression of incoherence was wholly denied by

his face. The lines about his mouth were those of a permanent smile that never knew humor; the eyes at the top of his long nose were small and glistened coldly, piercing through the broken, dry skin of his cheeks and eyelids like the points of daggers through leather scabbards. Such was the deputy warden, the real executive of the prison, the judge who could pronounce any sentence he might desire, decreeing medieval tortures and slow deaths, dooming bodies to pain, and the remnants of souls to hell, and, when he willed, inventing new tortures. Ball was at once the product and the unconscious victim of the system in which he was the most invaluable and indispensable factor. He had been deputy in the prison for twenty years, and he stood far above the mutations of politics. He might have been said to live in the protection of a civil service law of his own enactment. He ruled, indeed, by laws that were of his own enactment, and he enacted or repealed them as occasion or his mood suggested. He ruled this prison, whether on the bench in the court or scuffing loose-jointedly about the yard, the shops, or the cell-houses, with his cane dangling from the crotch of his elbow, speaking in a low, soft, almost caressing voice, the secret, perhaps, of his power. For his slow and passive demeanor and his slow, soft voice seemed to visiting boards, committees and officials all kindness; and he used it with the convicts, sometimes drawing them close to him, and laying his great hand on their shoulders or their heads, and speaking in a low tone of pained surprise and gentle reproach, just as he was speaking now to a white-haired and aged burglar, wearing the dirty stripes of the fourth grade.

"Why, Dan, what's this I hear? I didn't think it of

you, old chap, no I didn't. A little of the solitary, eh? What say? All right—if it must be."

It took Ball half an hour to doom the men this morning, and even at the last, when Archie went forward, when Ball had glanced at the card whereon McGlynn's report was written in his illiterate hand, he said:

"Ah, the Dutchman! Well, Archie, this is very bad. Down to the fourth grade, bread and water to-day,—and to-morrow back to work, my lad. Mind now!"

Archie changed his gray suit for the reddish brown and white stripes, he ate his bread and drank his water, and he went back to the bolt-shop. But he did not work. He would not answer McGlynn when he spoke to him. He set his jaw and was silent.

"What, again!" said Ball the next day. "Well, well, well! If you insist; give him the paddle, Jim."

When court had adjourned, they took Archie into a small room near by. Across one end of this room was a huge bath-tub of wood; this, and all the utensils of torture, which in a kind of fiendish ingenuity of economy were concentrated in it, were water-worn and white. On the floor at the base of the tub were iron stocks. In these, when he had been stripped naked, perhaps for additional shame, Archie's ankles were clamped. Then he was forced to bend forward, over the bath-tub, and was held there by guards while Ball stood by smoking. A burly negro, Jim, a convict with privileges—this privilege among others—beat him on the bare skin with a paddle of ashwood that had been soaked in hot water and dipped in white sand.

But Archie would not work.

The next morning Ball patted him on the head, and said:

"My dear boy! You are certainly foolish. He wants the water, Jim."

Again they stripped him and forced him into the bath-tub. This tub had many and various devices, among them a block of wood, hollowed out on one side to fit a man's chest if he sat in the tub, and as it could be moved back and forth in grooves along the top of the tub and fastened wherever need be, it could be made to fit any man and hold him in its vise against the end of the tub, in which quality of adjusting itself to the size of its victim it differed from the bed of Procrustes. And now they handcuffed Archie, fastened him in the tub, pressed the block against his broad, white, muscular chest, and while Ball and the guards stood by, the negro with the privileges, arrayed now in rubber coat and boots, turned a fierce slender stream of water from a short rubber hose in Archie's face. Archie gasped, his mouth opened, and deftly the negro turned the fierce gushing stream into his mouth, where it hissed and foamed and gurgled, filling his throat and lungs, streaming down over his chin and breast. Archie's lips turned blue; soon his face was blue.

"I guess that'll do, Jim," said Ball.

When Archie regained consciousness they sent him back to the bolt-shop.

But he would not work.

The next morning Ball showed again that tenderness that appealed so strongly to the humane gentlemen on the Prison Board.

"Why, Archie!" he said. "Why, Archie!" Then he

paused, rolled his cigar about and said: "String him up, boys, until he's ready to go back to work."

After the guards had fastened his hands above his head in the bull rings, closed and locked the door of the cell and left him, Archie's first thought was of Curly, who had gone through this same ordeal in another prison, and Archie found a compensation in thinking that he would have an experience to match Curly's when next they met and sat around the fire in the sand-house or the fire in the edge of the woods. And then his thoughts ran back to the day when Curly had first told him of the bull rings; and he could see Curly as he told it—his eyes glazing, his face growing gray and ugly, his teeth clenching.

Archie remembered more; somehow, vividly, he saw Curly tying a rope to the running board on top of the freight-car, dangling it over the side and then letting himself down on it until he hung before the car door, the seal of which he quickly broke and unlocked; and the train running thirty miles an hour! No one else could "bust tags" this way; no one else had the nerve of Curly.

At first Archie found relief in changing his position. By raising himself on tiptoe he could ease the strain on his wrists; by hanging his weight from his wrists he could ease the strain on his feet. He did this many times; but he found no rest in either position. The handcuffs grew tight; they cut into his wrists like knives. His hands were beginning to go to sleep; they tingled, the darting needles stung and pricked and danced about. Then his hands seemed to have enlarged to a preposterous size, and they were icy cold. Presently he was filled with terror; he lost all sense of

feeling in his arms. Rubbing his head against them, he found them cold; they were no longer his arms, but the arms of some one else. They felt like the arms of a corpse. An awful terror laid hold of him. In his insteps there was a mighty pain; his biceps ached; his neck ached, ached, ached to the bones of it; his back was breaking. The pain spread through his whole body, maddening him. With a great effort he tore and tugged and writhed, lifting one foot, then the other, then stamped. At last he hung there numb, limp, inert. In the cell it was dark and still. No sound could reach him from the outer world.

Some time—it was evening, presumably, for time was not in that cell—they came and let him down. A guard gave him a cup of water. He held forth his hand, groping after it; and he could not tell when his hand touched it. The cup fell, jangled against his handcuffs; the water was spilled, the tin cup rolled and rattled over the cement floor. And Archie wept, wild with disappointment. The guard, who was merciful, brought another cup and held it to Archie's lips, and he drank it eagerly, the water bubbling at his lips as it had once, years ago, when he was a baby and his mother held water to his lips to drink.

Presently Ball came and stood looking at him through the little grated wicket in the door.

"Well, Archie, how goes it?" he said. "Had enough? Ready to go back to work?"

Archie looked at him a moment. His eyeballs, still protruding from the effects of the ducking-tub, gleamed in the light of the guard lantern. He looked at Ball, finally realized, and began to curse. At last he managed to say:

"I'll croak you for this."

Ball laughed.

"Well, good night, my lad," he said.

Archie lay on a plank, the handcuffs still on him, all the night. In the morning they hung him up again.

The next day, and the next, and the next,—for seven days,—Archie hung in the bull rings. In the middle of the eighth day, after his head had been rolling and lolling about on his shoulders between his cold, swollen, naked arms, he suddenly became frantic, put forth a mighty effort, lifted himself, and began to bite his hands and his wrists, gnashing his teeth on the steel handcuffs, yammering like a maniac.

That evening, the evening of the eighth day, when the guard came and flashed his lamp on him, Archie's body was hanging there, still, his chin on his breast. Down his arms the blood was trickling from the wounds he had made with his teeth. The guard set down his lantern, ran down the corridor, returned presently with Ball, and Jeffries, the doctor.

They lowered his body. The doctor bent his head to the white breast and listened.

"Take him to the hospital," he said. "I guess he's had about all he can stand."

"God, he had nerve!" said Ball, looking at the body. "He wouldn't give in."

He shambled away, his head bent. He was perplexed. He had not failed since—when was it?—since number 13993 had—died of heart failure, in the hospital, five years before.

XXI

It was at Bradford Ford's that night of the wedding that Eades made his proposal of marriage to Elizabeth Ward. It was June, court had adjourned, his work was done, the time seemed to him auspicious; he had thought it all out, arranged the details in his mind. The great country house, open to the summer night, was thronged, the occasion, just as the newspapers had predicted in their hackneyed phrase, was a brilliant one, as befitted the marriage of Ford's youngest daughter, Hazel, to Mr. Henry Wilmington Dodge, of Philadelphia. Eades moved about, greeting his friends, smiling automatically, but his eyes were discreetly seeking their one object. At last he had a glimpse of her, through smilax and ribbons; it was during the ceremony; she was in white, and her lips were drawn as she repressed the emotions weddings inspire in women. He waited, in what patience he could, until the service was pronounced; then he must take his place in the line that moved through the crowd like a current through the sea; the bestowal of the felicitations took a long time. Then the supper; Elizabeth was at the bride's table, and still he must wait. He went up-stairs finally, and there he encountered Ford alone in a room where, in some desolate sense of neglect, he had retired to hide the sorrow he felt at this parting with his child, and to combat the annoying

feeling the wedding had thrust on him—the feeling that he was growing old. Ford sat by an open window, gazing out into the moonlight that lay on the river by which he had built his colossal house. He was smoking, in the habit which neither age nor sorrow could break.

"Come in, come in," said Ford. "I'm glad to see you. I want some one to talk to. Have a cigar."

But Eades declined, and Ford glanced at him in the suspicion which was part of the bereaved and jealous feeling that was poisoning this evening of happiness for him. He knew that Eades smoked, and he wondered why he now refused. "He declines because I'm getting old; he wishes to shun my society; he feels that if he accepts the cigar, he will have to stay long enough to smoke it. It will be that way now. Yes, I'm getting old. I'm out of it." So ran Ford's thoughts.

Eades had gone to the window and stood looking out across the dark trees to the river, swimming in the moonlight. Below him were the pretty lights of Japanese lanterns, beyond, at the road, the two lamps on the gate-posts. The odors of the June night came to him and, from below, the laughter of the wedding-guests and the strains of an orchestra.

"What a beautiful place you have here, Mr. Ford!" Eades exclaimed.

"Well, it'll do for an old—for a man to spend his declining years."

"Yes, indeed," mused Eades.

Ford winced at this immediate acquiescence.

"And what a night!" Eades went on. "Ideal for a wedding."

Ford looked at him a moment, then decided to change the subject.

"Well, I see you struck pay-dirt in the grand jury," he said.

"Yes," replied Eades, turning away from night and nature when such subjects were introduced.

"You're doing a good work there," said Ford; "a good work for law and order."

He used the stereotyped phrase in the old belief that "law" and "order" are synonyms, though he was not thinking of law or of order just then; he was thinking of the radiant girl in the drawing-room below.

Eades turned to the window again. The night attracted him. He did not care to talk. He, too, was thinking of a girl in the drawing-room below; thinking how she had looked in that moment during the ceremony when he had had the glimpse of her. He must go at once and find her. He succeeded presently in getting away from Ford, and left in a manner that deepened Ford's conviction that he was out of it.

He met her at the foot of the staircase, and they went out of doors.

"Oh," exclaimed Elizabeth, "how delicious it is out here!"

In silence they descended the wide steps from the veranda and went down the walk. The sky was purple, the stars trembled in it, and the moon filled all the heavens with a light that fell to the river, flowing silently below them. They went on to the narrow strip of sward that sloped to the water. On the dim farther shore they could see the light in some farm-house; far down the river was the city, a blur of light.

"What a beautiful place the Fords have here!" said Eades.

"Yes," said Elizabeth, "it's ideal."

"It's my ideal of a home," said Eades, and then after a silence he went on. "I've been thinking a good deal of home lately."

He glanced at the girl; she had become still almost to rigidity.

"I am so glad our people are beginning to appreciate our beautiful river," she said, and her voice had a peculiar note of haste and fear in it. "I'm so glad. People travel to other lands and rave over scenery, when they have this right at home." She waved her hand in a little gesture to include the river and its dark shores. She realized that she was speaking unnaturally, as she always did with him. The realization irritated her. "The Country Club is just above us, isn't it?" she hurriedly continued, consciously struggling to appear unconscious. "Have you—"

He interrupted her. "I've been thinking of you a good deal lately," he said. His voice had mastery in it. "A good deal," he repeated, "for more than a year now. But I've waited until I had something to offer you, some achievement, however small, and now—I begin to feel that I need help and—sympathy in the work that is laid on me. Elizabeth—"

"Don't," she said, "please don't." She had turned from him now and taken a step backward.

"Just a minute, Elizabeth," he insisted. "I have waited to tell you—that I love you, to ask you to be my wife. I have loved you a long, long time. Don't deny me now—don't decide until you can think—I can wait.

Will you think it over? Will you consider it—carefully—will you?"

He tried to look into her face, which she had turned away. Her hands were clasped before her, her fingers interlocked tightly. He heard her sigh. Then with an effort she looked up at him.

"No," she began, "I can not; I—"

He stopped her.

"Don't say no," he said. "You have not considered, I am sure. Won't you at least think before deciding definitely?"

She had found more than the usual difficulty there is in saying no to anything, or to any one; now she had strength only to shake her head.

"You must not decide hastily," he insisted.

"We must go in." She turned back toward the house.

"I can wait to know," Eades assured her.

They retraced their steps silently. As they went up the walk she said:

"Of course, I am not insensible of the honor, Mr. Eades."

The phrase instantly seemed inadequate, even silly, to her. Why was it she never could be at ease with him?

"Don't decide, I beg," he said, "until you have considered the matter carefully. Promise me."

"You must leave me now," she said.

He bowed and stood looking after her as she went up the steps and ran across the veranda in her eagerness to lose herself in the throng within the house. And Eades remained outside, walking under the trees.

Half an hour later Elizabeth stood with Marriott in

the drawing-room. Her face was pale; the joy, the spirit that had been in it earlier in the evening had gone from it.

"Ah," said Marriott suddenly, "there goes John Eades. I hadn't seen him before."

Elizabeth glanced hurriedly at Eades and then curiously at Marriott. His face wore the peculiar smile she had seen so often. Now it seemed remote, to belong to other days, days that she had lost.

"He's making a great name for himself just now," said Marriott. "He's bound to win. He'll go to Congress, or be elected governor or something, sure."

She longed for his opinion and yet just then she felt it impossible to ask it.

"He's a—"

"What?" She could not forbear to ask, but she put the question with a little note of challenge that made Marriott turn his head.

"One of those young civilians."

"One of what young civilians?"

"That Emerson writes about."

"He's not so very young, is he?" Elizabeth tried to smile.

"The young civilians are often very old; I have known them to be octogenarians."

He looked at her and was suddenly struck by her pallor and the drawn expression about her eyes. She had met his gaze, and he realized instantly that he had made some mistake. They were standing there in the drawing-room, the canvas-covered floor was littered with rose-leaves. It was the moment when the guests had begun to feel the first traces of weariness, when the laughter had begun to lose its spirit and the talk its

spontaneity, when the older people were beginning to say good night, leaving the younger behind to shower the bride and groom with rice and confetti. Perplexed, excited, self-conscious after Eades's declaration, feeling a little fear and some secret pride, suddenly Elizabeth saw the old, good-humored, friendly expression fade from Marriott's eyes, and there came a new look, one she had never seen before, an expression of sudden, illuminative intelligence, followed by a shade of pain and regret, perhaps a little reproach.

"Where does Emerson say—that?" she asked.

"You look it up and see," he said presently.

She looked at him steadily, though it was with a great effort, tried to smile, and the smile made her utterly sick at heart.

"I—must look up father," she said, "it's time—"

She left him abruptly, and he stood there, the smile gone from his face, his hands plunged deep in his pockets. A moment he bit his lips, then he turned and dashed up the stairs.

"I'm a fool," he said to himself.

Elizabeth had thought of love, she had imagined its coming to her in some poetic way, but this—somehow, this was not poetic. She recalled distinctly every word Eades had spoken, but even more vividly she recalled Marriott's glance. It meant that he thought she loved Eades! It had all become irrevocable in a moment; she could not, of course, undertake to explain; it was all ridiculous, too ridiculous for anything but tears.

Looking back on her intimacy with Marriott, she realized now that what she would miss most was the good fellowship there had been between them. With him, though without realizing it at the time, she had

found expression easy, her thoughts had been clear, she could find words for them which he could understand and appreciate. Whenever she came across anything in a book or in a poem or in a situation there was always the satisfying sense that she could share it with Marriott; he would apprehend instantly. There was no one else who could do this; with her mother, with her father, with Dick, no such thing was possible; with them she spoke a different language, lived in another world. And so it was with her friends; she moved as an alien being in the conventional circle of that existence to which she had been born. One by one, her friends had ceased to be friends, they had begun to shrink away, not consciously, perhaps, but certainly, into the limbo of mere acquaintance. She thought of all this as she rode home that night, and after she had got home; and when it all seemed clear, she shrank from the clarity; she would not, after all, have it too clear; she must not push to any conclusion all these thoughts about Gordon Marriott. She chose to decide that he had been stupid, and his stupidity offended her; it was not pleasant to have him sneer at a man who had just told her he loved her, no matter who the man was, and she felt, with an inconsistency that she clung to out of a sense of self-preservation, that Marriott should have known this; he might have let her enjoy her triumph for a little, and then—but this was dangerous; was he to conclude that she loved him?

What was it, she wondered, that made her weak and impotent in the presence of Eades? She did not like to own a fear of him, yet she felt a fear; would she some day succumb? The fear crept on her and distressed her; she knew very well that he would pursue

her, never waver or give up or lose sight of his purpose. In some way he typified for her all that was fixed, impersonal, irrefragable—society on its solid rocks. He had no doubts about anything, his opinions were all made, tested, tried and proved. Any uncertainty, any fluidity, any inconsistency was impossible. And she felt more and more inadequate herself; she felt that she had nothing to oppose to all this.

Book III

I

Four miles from town, where a white pike crosses a mud road, is Lulu Corners. There is little at this cross-roads to inspire a name less frivolous, nothing indeed but a weather-beaten store, where the people of the neighborhood wait for the big yellow trolley-cars that sweep across the country hourly, sounding their musical air-whistles over the fields. Half a mile from the Corners two unmarried sisters, Bridget and Margaret Flanagan, for twenty years had lived alone in a hovel that was invaded by pigs and chickens and geese. Together, these aged women, tall, bony and masculine, lived their graceless, squalid lives, untouched by romance or tragedy, working their few acres and selling their pork and eggs and feathers in the city. The nearest dwelling was a quarter of a mile away, and the neighbors were still farther removed by prejudices, religious and social. Thus the old women were left to themselves. The report was that they were misers, and the miserable manner of their lives supported rather than belied this theory; there was a romantic impression in a country-side that knew so little romance, that a large amount of money was hidden somewhere about the ugly premises.

On an evening in late October, Bridget Flanagan was getting supper. The meal was meager, and when she had made it ready she placed a lamp on the table and waited for Margaret, who had gone out to fasten

the shanty in which the barn-yard animals slept. Margaret came in presently, locked the door, and the sisters sat down to their supper. They had just crossed themselves and heaped their plates with potatoes, when they heard a knock at the door.

"Who can that be, sister?" said Bridget, looking up.

"I wonder now!" said Margaret in a surprise that was almost an alarm.

The knocking was repeated.

"Mary help us!" said Bridget, again making the sign of the cross. "No one ever came at this hour before."

The knocking sounded again, louder, more insistent.

"You go on to the door, sister," said Bridget, "and let them in,—whoever they may be, I dunno."

Margaret went to the door, shot back the bolt, and pulled on the knob. And then she turned and cast a look of terror at her sister. Some one was holding the door on the other side. The strange resistance of this late and unknown visitor, who but a moment before had wanted to come in, appalled her. She pressed her knee against the door, and tried to lock it again. But now the door held against her; she strained and pushed, then turned and beckoned her sister with frightened eyes. Bridget came, and the two women, throwing their weight against the door, tried to close it; but the unknown, silent and determined one was holding it on the other side. This strange conflict continued. Presently the two old women glanced up; in the crack, between the door and the jamb, they saw a club. Slowly, slowly, it made way against them, twisting, turning, pushing, forcing its way into the room. They looked in awful fascination. The club

grew, presently a foot of it was in the room; then a hand appeared, a man's hand, gripping the club. They watched; presently a wrist with a leather strap around it; then slowly and by degrees, a forearm, bare, enormous, hard as the club, corded with heavy muscles and covered with a thick fell of black hair, came after it. Then there was a final push, an oath, the door flew open, and two masked men burst into the room.

Three hours later, Perkins, a farmer who lived a quarter of a mile away, hearing an unusual sound in his front yard, took a lantern and went out. In the grass heavy with dew, just inside his gate, he saw a woman's body, and going to it, he shed the rays of his lantern into the face of Bridget Flanagan. Her gray hair was matted, and her face was stained with blood; her clothes were torn and covered with the mud through which she had dragged herself along the roadside from her home. Perkins called and his wife came to the door, holding a lamp above her head, shading her eyes with her hand, afraid to go out. When he had borne Bridget indoors, Perkins took his two sons, his lantern and his shot-gun, and went across the fields to the Flanagans'. In the kitchen, bound and gagged, Margaret lay quite dead, her head beaten in by a club. The two old women must have fought desperately for their lives. The robbers, for all their work, as Perkins learned when Bridget almost miraculously recovered, had secured twenty-three silver dollars, which the sisters had kept hidden in a tin can—the fatal fortune which rumor had swelled to such a size.

Perkins roused the neighborhood, and all night long men were riding to and fro between Lulu Corners and

the city. A calm Sunday morning followed, and then came the coroner, the reporters and the crowds. While the bell of the little Methodist church a mile away on the Gilboa Pike was ringing, Mark Bentley, the sheriff, dashed up behind a team of lean horses, sweating and splashed with mud from their mad gallop. Behind him came his deputies and the special deputies he had sworn in, and, sitting in his buggy, holding his whip in a gloved hand, waving and flourishing it like a baton, Bentley divided into posses the farmers who had gathered with shot-guns, rifles, pitchforks, axes, clubs, anything, placed a deputy at the head of each posse and sent them forth. Detectives and policemen came, and all that Sunday mobs of angry men were beating up the whole country for miles. Some were mounted, and these flew down the roads, spreading the alarm, leaving women standing horror-stricken in doorways with children whimpering in their skirts; others went in buggies, others plodded on foot. And all day long crowds of women and children pressed about the little house, peering into the kitchen with morbid curiosity. The crowd swelled, then shrank, then swelled again. The newspapers made the most of the tragedy, and under head-lines of bold type, in black ink and in red, they told the story of the crime with all the details the boyish imaginations of their reporters could invent; they printed pictures of the shanty, and diagrams of the kitchen, with crosses to indicate where Margaret had fallen, where Bridget had been left for dead, where the table and the stove had stood, where the door was; and by the time the world had begun a new week, the whole city was in the same state of horror and fear, and breathed the same rage and lust of vengeance that had fallen on Lulu Corners.

II

Four days before the Sunday of the tragedy Archie Koerner finished his year's imprisonment and passed from the prison within the walls to the larger prison that awaited him in the world outside. The same day was released another convict, a man aged at fifty, who had entered the prison twenty years before. The judge who had sentenced him was a young man, just elevated to the bench, and, intoxicated by the power that had come to him so early in life, had read the words, "twenty years," in the statute book, and, assuming as axiomatic that the words were the atonement for the crime the man had committed, without thinking, had pronounced these words aloud, and then written them in a large book. From there a clerk copied them on to a blank form, sealed it with a gilt seal, and, like the young judge, forgot the incident. The day the man was released he could no longer remember what crime he had committed. He was old and shattered, and had looked forward to freedom with terror. Time and again he had asked his guard to report him, so that he might be deprived of his good time and have the day of release postponed. The guard, however, knowing that the man's mind was gone, had refused to do this, and the man was forced out into the world. Having no family, no friends and no home, he clung to Archie as to the last tie that bound him to the only life he knew. Archie, of course, considered him an

incubus, but he pitied him, and when they had sold their railroad tickets to a scalper, they beat their way back to the city on a freight-train, Archie showing the old man how it was done.

At eleven o'clock on Friday morning they entered Danny Gibbs's saloon. Archie was glad to find the place unchanged—the same whisky barrels along the wall, the opium pipe above the bar, the old gray cat sleeping in the sun. All was familiar, save the bartender, who, in fresh white jacket, leaned against the bar, a newspaper spread before him, and studied the form sheets that were published daily to instruct men how to gamble on the races.

"Where's Dan?" asked Archie.

The bartender looked at him superciliously, and then concluded to say:

"He's not here."

"Not down yet, heh?" said Archie. "Do you know a certain party called—" Archie glanced about cautiously and leaned over the bar, "—called Curly?"

The bartender looked at him blankly.

"He's a friend of mine—it's all right. If he comes in, just tell him a certain party was asking for him. Tell Dan, too. I've just got home—just done my bit."

But even this distinction, all he had to show for his year in prison, did not impress the bartender as Archie thought it should. He drew from his waistcoat pocket a dollar bill, carefully smoothed it out, and tossed it on to the bar.

"Give us a little drink. Here, Dad," he said to the old convict, "have one." The old man grinned and approached the bar. "Never mind him," said Archie in a confidential undertone, "he's an old-timer."

The old convict had lost the middle finger of his right hand in a machine in the prison years before, and now, in his imbecility, he claimed the one compensation imaginable; he used this mutilation for the entertainment of his fellows. If any one looked at him, he would spread the fingers of his right hand over his face, the stub of the middle finger held against his nose, his first and third fingers drawing down the lower lids of his eyes until their whites showed, and then wiggle his thumb and little finger and look, now gravely, now with a grin, into the eyes of the observer. The old convict, across whose sodden brain must have glimmered a vague notion that something was required of him, was practising his one accomplishment, his silly gaze fixed on the bartender.

When the bartender saw this his face set in a kind of superstitious terror.

"Don't mind him," said Archie; "he's stir simple."

The bartender, as he set out the whisky, was reassured, not so much by the patronage as by Archie's explanation that he had just come from prison. He had been at Danny Gibbs's long enough to know that a man is not to be judged solely by his clothes, and Archie, as a man reduced to the extremity of the garb the state supplied, might still be of importance in their world. While they were drinking, another man entered the saloon, a short, heavy man, and, standing across the room, looked, not at Archie and Dad, but at their reflections in the mirror behind the bar. Archie, recognizing a trick of detectives, turned slightly away. The man went out.

"Elbow, eh?" said Archie.

"Yep," said the bartender. "Cunningham."

"A new one on me. Kouka here yet?"

"Oh, yes."

"Flyin'?"

"Yep."

"Well," said Archie, "give 's another. I got a thirst in the big house anyway—and these rum tums." He smiled an apology for his clothes. They drank again; then Archie said:

"Tell Dan I was here."

"Who shall I say?" inquired the bartender.

"Dutch."

"Oh, yes! All right. He'll be down about one o'clock."

"All right. Come on, Dad," said Archie, and he went out, towing his battered hulk of humanity behind him. At the corner he saw Cunningham with another man, whom he recognized as Quinn. When they met, as was inevitable, Quinn smiled and said:

"Hello, Archie! Back again?"

"Yes," said Archie. He would have kept on, but Quinn laid a hand on his arm.

"Hold on a minute," he said.

"What's the rap?" asked Archie.

"Well, you'd better come down to the front office a minute."

Cunningham had seized the old man, and the two were taken to the Central Police Station. They were charged with being "suspicious persons," and spent the night in prison. The next morning, when they were arraigned before Bostwick, the old man surprised every one by pleading guilty, and Bostwick sentenced him to the workhouse for thirty days. But Archie de-

manded a jury and asked that word be sent to his attorney.

"Your attorney!" sneered Bostwick, "and who's *your* attorney?"

"Mr. Marriott," said Archie.

The suggestion of a jury trial maddened Bostwick. He seemed, indeed, to take it almost as a personal insult. He whispered with Quinn, and then said:

"I'll give you till evening to get out of town—you hear?"

Archie, standing at attention in the old military way, said:

"Yes, sir."

"You've got to clear out; we don't want you around, you understand?"

"I understand, sir."

"All right," said Bostwick.

After Archie had bidden good-by to the old convict, who was relieved to get back to prison again, and after he had been photographed for the rogues' gallery—for his confinement and his torture had made him thin and so changed his appearance and his figure that his Bertillon measurements were even more worthless than ever—he was turned out.

Archie, thus officially ordered on, was afraid to go back to Gibbs's, and when he went out of the Central Station that Saturday morning he turned southward into the tenderloin. He thought it possible that he might find Curly at some of the old haunts; at any rate, he might get some word of him.

The morning was brilliant, the autumnal sun lay hot and comforting on his back, and there was a friendliness in the hazy mellow air that was like a welcome

to Archie, the first the world had had for him. Though man had cast him out, nature still owned him, and a kind of joy filled his breast. This feeling was intensified by the friendly, familiar faces of the low, decrepit buildings. Two blocks away, he was glad to see the old sign of Cliff Decker's saloon, with the name painted on the window in crude blue letters, and, pictured above it, a preposterous glass of beer foaming like the sea. More familiar than ever, was old man Pepper, the one-eyed, sitting on the doorstep as if it were summer, his lame leg flung aside, as it were, on the walk before him, his square wrinkled face presenting a horrid aspect, with its red and empty socket scarcely less sinister than the remaining eye that swept three quarters of the world in its fierce glance. On another step two doors away, before a house of indulgence frequented only by white men, sat a mulatto girl, in a clean white muslin dress, her kinky hair revealing a wide part from its careful combing. The girl was showing her perfect teeth in her laugh and playing with a white poodle that had a great bow of pink ribbon at its neck. Across the street was Wing Tu's chop-suey joint, deserted thus early in the day, suggesting oriental calm and serenity.

On the other corner was Eva Clason's place, and thither Archie went. He had some vague notion of finding Curly there, for it was Eva who, on that morning, now more than a year ago, in some impotent, puny human effort to stay the fate that had decreed him as the slayer of Benny Moon, had tried to give Curly a refuge.

The place wore its morning quiet. The young bartender, with a stupid, pimpled face, was moping sleep-

ily at the end of the bar; at Archie's step, he looked up. The step was heard also in the "parlor" behind the bar, revealing through chenille portières its cheap and gaudy rugs and its coarse-grained oaken furniture, upholstered in plush of brilliant reds and blues. One of the two girls who now appeared had yellow hair and wore a skirt of solid pink gingham that came to her knees; her thin legs wore open-work stockings, her feet bulged in high-heeled, much-worn shoes. She wore a blouse of the same pink stuff, cut low, with a sailor collar, baring her scrawny neck and the deep hollows behind her collar bones. In her yellow fingers, with a slip of rice paper, she was rolling a cigarette. The other girl, who wore a dress of the same fashion, but of solid blue gingham, splotched here and there with starch, was dark and buxom, and her low collar displayed the coarse skin of full breasts and round, firm neck. The thin blonde came languidly, pasting her cigarette with her tongue and lighting it; but the buxom brunette came forward with a perfunctory smile of welcome.

"Where's Miss Clason?" Archie asked.

"She's gone out to Steve's," said the brunette. The thin girl sank into a chair beside the portières and smoked her cigarette. The brunette, divining that there was no significance in Archie's visit, and feeling a temporary self-respect, dismissed her professional smile and became simple, natural and human.

"Did you want to see her?" she asked.

"Yes, I'm looking for a certain party."

"Who?"

"Well, you know him, maybe—they call him Curly; Jackson's his name."

The girl looked at Archie, exchanged glances with the bartender; and then asked:

"You a friend o' hisn?"

"Yes, I just got home, and I must find him."

"Oh," said the girl, wholly satisfied. She turned to the bartender. "Was Mr. Jackson in to-day, Lew? He's around, in and out, you know. Comes in to use the telephone now and then."

Archie was relieved.

"Tell him Dutch was in, will you?" he said.

"Sure," replied the girl.

"Maybe he's in at Hunt's," said the thin girl, speaking for the first time.

"I was going there," said Archie.

"I can run in and ask for you," said the brunette, in the kindly willingness of the helpless to help others. "Or, hold on,—maybe Teddy would know."

"Never mind," said Archie, "I'll go in to Hunt's myself."

"I'll tell Mr. Jackson when he comes in," said the brunette, going to the door with Archie. "Who did you say?"—she looked up into Archie's face with her feminine curiosity all alive.

"Dutch."

"Dutch who?"

"Oh, just Dutch," said Archie, smiling at her insistence. "He'll know."

"Oh, hell!" said the girl, "what's your name?"

Archie looked down into her brown eyes and smiled mockingly; then he relented.

"Well, it's Archie Koerner. Ever hear of me before?"

The girl's black brows, which already met across her nose, thickened in the effort to recall him.

"You're no more wiser than you was; are you, little one?" said Archie, and walked away.

He had reserved Hunt's as a last resort, for there, in a saloon which was a meeting place for yeggs, Hunt himself being an old yegg man who had stolen enough to retire on, Archie was sure of a welcome and of a refuge where he could hide from the police for a day, at least, or until he could form some plan for the future.

Hunt was not in, but Archie found King's wife, Bertha Shanteaux, in the back room. She was a woman of thirty-five, very fleshy, and it seemed that she must crush the low lounge on which she sat, her legs far apart, the calico wrapper she wore for comfort stretching between her knees. She was smoking a cigar, and she breathed heavily with asthma, and, when she welcomed Archie, she spoke in a voice so hoarse and of so deep a bass that she might well have been taken for a man in woman's attire.

"Why, Dutch!" she said, taking her cigar from her lips in surprise. "When did you get home?"

"Yesterday morning," said Archie. "I landed in with an old con, went up to Dan's—then I got pinched, and this morning Bostwick gave me the run."

"Who made the pinch?"

"Quinn and some new gendy."

"Suspicion?"

"Yes."

"Huh," said Bertha, beginning to pull at her cigar again.

"Where's John?"

"Oh, he went up town a while ago."

"Is Curly here?"

"Yes, he's around. Just got in the other day. What you goin' to do?"

"Oh, I'm waiting to see Curly. I've got to get to work and see if I can't make a dollar or two. I want to frame in with some good tribe."

"Well, Curly hasn't been out for a while. He'll be glad to see you."

"Is Gus with him?"

"Oh, no. Gus got settled over in Illinois somewhere —didn't you hear? The boys say he's in wrong. But wait! Curly'll show up after a while."

"Well, I'm hipped, and I don't want to get you in trouble, Mrs. Shanteaux, but if Kouka gets a flash at me, it's all off."

"Oh, you plant here, my boy," she said in a motherly way, "till Curly comes."

The tenderloin awoke earlier than usual that day, for it was Saturday, and the farmers were in town. In the morning they would be busy in Market Place, but by afternoon, their work done, their money in their pockets, they would be free, and beginning at the cheap music halls, they, especially the younger ones, would drift gradually down the line, and by night they would be drinking and carousing in the dives.

Children, pale and hollow-eyed, coming with pitchers and tin buckets to get beer for their awaking elders, seemed to be the first heralds of the day; then a thin woman, clutching her dirty calico wrapper to her shrunken breast, and trying to hide a bruised, blue and swollen eye behind a shawl, came shuffling into the

saloon in unbuttoned shoes, and hoarsely asked for some gin. A little later another woman came in to borrow enough oil to fill the lamp she carried without its chimney, and immediately after, a man, ragged, dirty, stepping in old worn shoes as soft as moccasins, flung himself down in a chair and fell into a stupor, his bloodless lips but a shade darker than his yellow face, his jaws set in the rigidity of the opium smoker. Archie looked at him suspiciously and shot a questioning glance at Bertha.

"The long draw?" he said in a low tone, as she passed him to go to the woman who had the lamp.

"Umph huh," said Bertha.

"I thought maybe he might be—"

"No," she said readily. "He's right—he's been hanging around for a month.—Some oil?" she was saying to the woman. "Certainly, my dear." She took the lamp.

"Where's your husband now?" she asked.

"Oh, he's gone," the woman said simply. "When the coppers put the Silver Moon Café"—she pronounced it "kafe"—"out of business and he lost his job slinging beer, he dug out."

Archie, beginning to fear the publicity of midday, had gone into the back room again. Presently Bertha joined him.

"Thought it was up to me to plant back here," he said, explaining his withdrawal. "There might be an elbow."

"Oh, no," said Bertha, in her hoarse voice, picking up the cigar she had laid on a clock-shelf and resuming her smoking, "we're running under protection now. That dope fiend in there showed up two months ago

with his woman. They had a room in at Eva's for a while, but they stunk up the place so with their hops that she cleaned 'em out—she had to have the room papered again, but she says you can still smell it. They left about five hundred paper-back novels behind 'em. My God! they were readers! Nothing but read and suck the bamboo all the time; they were fiends both ways. One's 'bout as bad as the other, I guess."

She smoked her cigar and ruminated on this excessive love of romanticistic literature.

"When Eva gave 'em the run," she went on later, "the coppers flopped the moll—she got thirty-sixty, and Bostwick copped the pipe to give to a friend, who wanted a' ornament for his den. Since then her husband comes in here now and then—and—why, hello there! Here's some one to see you, Curly!"

Archie sprang to his feet to greet Curly, who, checking the nervous impulse that always bore him so energetically onward, suddenly halted in the doorway. The low-crowned felt hat he wore shaded his eyes; he wore it, as always, a little to one side; his curls, in the mortification they had caused him since the mates of his school-days had teased him about them, were cropped closely; his cheeks were pink from the razor, and Archie, looking at him, felt an obscure envy of that air of Curly's which always attracted. Curly looked a moment, and then, with a smile, strode across the room and took Archie's hand. Archie was embarrassed, and his face, white with the prison pallor, flushed—he thought of his clothes, quite as degrading as the hideous stripes he had exchanged for them, and of his hair, a yellow stubble, from the shaving that had been part of his punishment. But the grip in which Curly held

his hand while he wrung his greeting into it, made him glad, and Bertha, going out of the room, left them alone. The strangeness there is in all meetings after absence wore away. Curly sat there, his hat tilted back from his brow, leaned forward, and said:

"Well, how are you, anyway? When did you land in?"

"Yesterday morning."

"Been out home yet?"

Archie's eyes fell.

"No," he said, his eyes fixed on the cigarette he had just rolled with Curly's tobacco and paper. "I was pinched the minute I got here; Quinn and some flatty —and I fed the crummers all last night in the boob. This morning Bostwick give me orders."

"Well, you can't stay here," said Curly.

"No, I was waiting to see you. I've got to get to work. Got anything now?"

"Well, Ted and me have a couple of marks—a jug and a p. o."

"Where?"

"Oh, out in the jungle—several of the tribes have filled it out."

"Well, I'm ready."

"Not now," Curly said, shaking his head; "the old stool-pigeon's out—she's a mile high these nights."

A reminiscent smile passed lightly over Curly's face, and he flecked the ash from his cigarette.

"Phillie Dave's out,"—and then he remembered that Archie had never known the thief who had been proselyted by the police and been one of a numerous company of such men to turn detective, and so had be-

queathed his name as a synonym for the moon. "But you never knew him, did you?"

"Who?"

"Dave—Phillie Dave we call him; he really belonged to the cat—he's become a copper. He was before your time."

They chatted a little while, and as the noise in the bar-room increased, Curly said:

"You can't hang out here. Those hoosiers are likely to start something any minute—we'll have to lam."

"Where to?"

"We'll go over to old Sam Gray's."

They did not show themselves in the bar-room again. Some young smart Alecks from the country were there, flushed with beer and showing off. Curly and Archie left by a side door, walked hurriedly to the canal, dodged along its edges to the river, then along the wharves to the long bridge up stream, and over to the west side, and at four o'clock, after a wide detour through quiet streets, they gained Sam Gray's at last.

Sam Gray kept a quiet saloon, with a few rooms upstairs for lodgers. Gray was a member of a family noted in the under world; his brothers kept similar places in other cities. His wife was a Rawson, a famous family of thieves, at the head of which was old Scott Rawson, who owned a farm and was then in hiding somewhere with an enormous reward hanging over his head. Gray's wife was a sister of Rawson; and the sister, too, of Nan Rawson, whom Snuffer Wilson had in mind when, on the scaffold, he said, "Tell Nan good-by for me." And in these saloons, kept by the Rawsons and the Grays, and at the Rawson farm, thieves in good standing were always wel-

come; many a hunted man had found refuge there; the Rawsons would have care of him, and nurse him back to health of the wounds inflicted by official bullets.

When Curly and Archie entered, a man of sixty years with thick white hair above a wide white brow, in shirt-sleeves, his waistcoat unbuttoned, and his trousers girded tightly into the fat at his waist, came out, treading softly in slippers.

"A friend of mine, Mr. Gray," said Curly. "He's right. He's just done his bit; got home last night, and the bulls pinched him. He's got orders and I'm going to take him out with me. But we can't go yet—Phillie Dave's out."

The old man smiled vaguely at the mention of the old thief.

"All right," he said, taking Archie's hand.

Archie felt a glow of pride when Curly mentioned his having done his bit; he was already conscious, now that he had a record, of improved standing.

"Who's back there?" asked Curly, jerking his head toward a partition from behind which voices came.

"A couple of the girls," said old Sam. "You know 'em, I guess."

The two women who sat at a table in the rear room looked up hastily when the men appeared.

"Hello, Curly," they said, in surprise and relief.

They had passed thirty, were well dressed in street gowns, wore gloves, and carried small shopping-bags. They had put their veils up over their hats. Archie, thinking of his appearance, was more self-conscious than ever, and his embarrassment did not diminish when one of the women, after Curly had told them

something of their plans, looked at the black mark rubbed into Archie's neck by the prison clothes and said:

"You can't do nothin' in them stir clothes." Before he could reply, she got up impulsively.

"Just wait here," she said. She was gone an hour. When she returned, her cheeks were flushed, and with a smile she walked into the room with a peculiar mincing gait that might have passed as some mode of fashion, went to a corner, shook herself, and then, stepping aside, picked from the floor a suit of clothes she had stolen in a store across the bridge and carried in her skirts all the way back. Curly laughed, and the other woman laughed, and they praised her, and then she said to Archie:

"Here, kid, these'll do. I don't know as they'll fit, but you can have 'em altered. They'll beat them stir rags, anyhow."

Archie tried to thank her, but she laughed his platitudes aside and said:

"Come on, Sadie, we must get to work."

When they were away Archie looked at Curly in surprise. There were things, evidently, he had not yet learned.

"The best lifter in the business," Curly said, but he added a qualification that expressed a tardy loyalty, "except Jane."

Archie found he could wear the clothes, and he felt better when he had them on.

"If I only had a rod now," he remarked. "I'll have to go out and boost one, I guess."

"You can't show for a day," said Curly.

"I wish I had that gat of mine. I wouldn't mind doing time if I had that to show for it!"

"I told you that gat would get you in trouble," said Curly, and then he added peremptorily: "You'll stay here till to-morrow night; then you'll go home and see your mother. Then you'll go to work."

They remained at Gray's all that Saturday night and all the following day, spending the Sunday in reading such meager account of the murder of the Flanagan sisters as the morning papers were able to get into extra editions.

III

Sergeant Cragin, a short, red-haired Irishman with a snub nose that with difficulty kept his steel-bowed spectacles before his small, rheumy eyes, had just finished calling the roll of the night detail at the Central Police Station when the superintendent of police, Michael Cleary, unexpectedly appeared in the great drill hall. Cleary stood in the doorway with Inspector McFee; his cap was drawn to his eyebrows, revealing but a patch of his close-cut white hair; his cheeks were red and freshly shaven, his small chin-whiskers newly trimmed. The velvet collar and cuffs of his blue coat, as usual, were carefully brushed, the diamonds on his big gold badge flashed in the dim, shifting light. The men did not often see their chief; he appeared at the station but seldom, spending most of his time, presumably, in his office at the City Hall.

"Men," he said, "I want a word with you—about this Flanagan job. We've got to get the murderers. They're somewhere in town right now. I want you to keep a lookout; run in every suspicious character you see to-night—no matter who he is—run him in. See what I mean? We're going to have a cleaning up. I want you to pull every place that's open after hours. I want you to pinch every crook and gun in town. See what I mean? I won't stand for any nonsense! You fellows have been loafing around now long enough;

by God, if something isn't done before morning, some of you'll lose your stars. You've heard me. You've got your orders; now execute them. See what I mean?"

This proceeding was what Cleary called maintaining discipline on the force, and, in delivering his harangue, he had worked himself into a rage; his face was red, his cheeks puffed out. The line of policemen shifted and shuffled; the red faces became still redder, deepening at last to an angry blue.

Cleary, with their anger and resentment following him, left the drill room, descended the stairs, and burst into the detective bureau. The room, like all the rooms in the old building, was large, the ceiling high, and in the shutters of the tall arched windows the dust of years had settled; on the yellow walls were wire racks, in which were thrust photographs of criminals, each card showing a full face, a profile, and a number; there was little else, save some posters offering rewards for fugitives.

The detectives who had been on duty all the day were preparing to leave; those who were to be on duty that night were there; it was the hour when the day force and the night force gathered for a moment, but this evening the usual good nature, the rude joking and badinage were missing; the men were morose and taciturn; in one corner Kouka and Quinn were quarreling. When Cleary halted in the door, as if with some difficulty he had brought himself to a stop, the detectives glanced up.

"Well," Cleary exploded, "that Flanagan job is twenty-four hours old, and you fly cops haven't turned anything up yet. I want you to turn up something.

See what I mean? I want you to get busy, damn you, and get busy right away. See what I mean?"

"But, Chief," one of the men began.

Cleary looked at him with an expression of unutterable scorn.

"G-e-t r-i-g-h-t!" he said, drawling out the words in the lowest register of his harsh bass voice. "Get right! See what I mean? Come to cases, you fellows; I want a show-down. You make some arrests before morning or some of you'll quit flyin' and go back to wearin' the clothes. See what I mean?"

He stood glowering a moment, then repeated all he had said, cursed them all again, and left the room, swearing to himself.

Down-stairs, in the front office, the reporters were waiting. Cleary stopped when he saw them, took off his cap, and wiped his forehead with a large silk handkerchief.

"Do you care to give out anything, Chief, about the Flanagan job?" asked one of the reporters timidly.

"No," said Cleary bluntly.

"Have you any clue?"

Cleary thought a moment.

"We'll have the men to-morrow."

The reporters stepped eagerly forward.

"Any details, Chief?"

"I'd be likely to give 'em to you fellows to print, wouldn't I?" said Cleary sarcastically.

"But—"

"You heard what I said, didn't you? We'll have the men to-morrow. Roll that up in your cigarette and smoke it. See what I mean?"

"Do you care to comment on what the *Post* said this evening?" asked a representative of that paper.

"What the hell do I care what your dirty, blackmailing sheet says? What the hell do I care?"

Cleary left then, and a moment later they heard his heavy voice through the open window, swearing at the horse as he drove away in his light official wagon.

In truth, the police were wholly at sea. All day the newspapers had been issuing extras giving new details, or repeating old details of the crime. The hatred that had been loosened in the cottage of the Flanagan sisters had, as it were, poured in black streams into the whole people, and the newspapers had gathered up this stream, confined it, and then, with demands for vengeance, poured it out again on the head of the superintendent of police, and he, in turn, maddened and tortured by criticism, had poured out this hatred on the men who were beneath him; and now, at nightfall, they were going out into the dark city, maddened and tormented themselves, ready to pour it on to any one they might encounter. And it was this same hatred that had sickened the breasts of Kouka and Quinn so that, after a friendship of years, they had quarreled, and were quarreling even now up-stairs in the detectives' office.

When he heard of the crime, Kouka realized that if he could discover the murderers of Margaret Flanagan he might come into a notoriety that would be the making of him. And he had wondered how he might achieve this. He had visited Lulu Corners, and all day his mind had been at work, incessantly revolving the subject; he had recalled all the criminals he knew,

trying to imagine which of them might have done the deed, trying to decide on which of them he might fasten the crime. For his mind worked like the minds of most policemen—the problem was not necessarily to discover who had committed the crime, but who might have committed it, and this night, with the criticism of the newspapers, and with the abuse of the superintendent, he felt himself more and more driven to the necessity of doing something in order to show that the police were active. And when he heard from Quinn that he had arrested Archie Koerner on Friday, and that Bostwick had ordered him out of the city, he instantly suspected that it was Archie who had murdered Margaret Flanagan. Quinn had laughed at the notion, but this only served to convince Kouka and make him stubborn. The problem then was to find Archie. When Inspector McFee made his details for that night, all with special reference to the Flanagan murder, Kouka asked for a special detail, intimating that he had some clue which he wished to follow alone, and McFee, who was at his wits' end, was willing enough to let Kouka follow his own leading.

The night detail tramped heavily down the dark halls and out into Market Place; the detectives left the building and separated, stealing off in different directions. An hour later, patrol wagons began to roll up to the station; the tenderloin was in a turmoil; saloons, brothels and dives were raided, the night was not half gone before the prison was crowded with miserable men and women, charged with all sorts of crimes, and, when no other charge could be imagined, with suspicion.

Meanwhile, Archie and Curly were trudging

through dark side-streets and friendly alleys on their way to Archie's home; for Archie had determined to see his father and his mother once more before he left the city. Archie was armed with a revolver he had procured from Gray.

IV

Kouka visited the tenderloin and learned that Archie had not left town. He learned, too, that he had a companion, and though he could follow the trail no farther, he had decided to watch Archie's home in the chance that the boy might visit it some time during the night. And now, for two hours, in the patience that was part of his stupidity, he had lurked in the black doorway of the grocery. Bolt Street was dark and still. Overhead, low clouds were flying; and the old stool-pigeon, coming later and later each night, as if bad habits were growing on it, had not yet appeared. Now and then, hearing footsteps, Kouka would shrink into the darkest corner of the doorway; the steps would sound louder and louder on the wooden sidewalk, some one would pass, and the steps would gradually fade from his hearing. All this had a curious effect on Kouka's mind. In some doubt at first, the waiting, the watching with one object in view, more and more convinced him that he was right, and in time the idea that Archie was the murderer he sought became definitely fixed. The little house across the street gradually, through the slowly moving hours, took on an aspect that confirmed Kouka's theory; it seemed to be waiting for Archie's coming as expectantly as the detective. During the first hour of his vigil, a shaft of yellow light had streamed out of the kitchen window into the side yard, and Kouka watched this light

intently. Finally, at nine o'clock, it was suddenly drawn in, as it were, and the house became dark. After this, the house seemed to enshroud itself with some mysterious tragic apprehension; and Kouka waited, stolidly, patiently, possessed by his theory.

And then, it must have been after ten o'clock, Kouka, who had heard no footsteps and no sound whatever, suddenly, across the street, saw two figures. They stopped, opened the low gate, stepped on to the stoop and knocked. Their summons was answered almost immediately; the door opened, and, in the light that suddenly filled the door-frame, Kouka recognized Archie Koerner; a woman, his mother, doubtless, stood just inside; he heard her give a little cry, then Archie put out his arms and bent toward her; then he went in, his companion following, and the door was closed. In another moment the shaft of light shot out into the side yard again.

Kouka was exultant, happy; he experienced an intense satisfaction; already he realized something of the distinction that would be his the next morning, when the little world he knew would hail him as the man who, all alone, had brought the murderers of that poor old Flanagan woman to the vengeance of the people's law.

And yet, he must be cautious; he knew what yeggs were; he knew how readily they would shoot and how well, and he did not care to risk his own body, and the chance of missing his prey besides, by engaging two bad men alone. Bad men they were, to Kouka, and nothing else; they had come suddenly to impersonate to him all the evil in the world, just as, though unknown, they or some two men impersonated all evil

to all the people of the city and the county, whereas Kouka felt himself to be a good man whose mission it was to crush this badness out of the world. He must preserve himself, as must all good men, and he ran down the street, opened a patrolmen's box, called up the precinct station, and gave the alarm. Then he hurried back; the shaft of light was still streaming out into the side yard, its rays, like some luminous vapor, flowing palpably from the small window and slanting downward to be absorbed in the dark earth.

He heard the roll of wheels, the urge of straining horses; the patrol wagon stopped at the corner; he heard the harness rattle and one of the horses blow softly through its delicate fluttering nostrils; a moment later, the squad of policemen came out of the gloom; three of the men were in civilian attire, the other six were in uniform.

Kouka received his little command with his big, heavy hand upraised for silence. It was a fine moment for him; he felt the glow of authority; he felt like an inspector; perhaps this night's work would make an inspector of him; he had never had such an opportunity before. He must evolve a plan, and he paused, scowled, as he felt a commander should who, confronted by a crisis, was thinking. Presently he laid his plan before them; it was profound, strategical. The officers in uniform were to surround the house, but in a certain way; he explained this way. Three of them were to go to the right and cover the ground from the corner of the house to the shaft of light that streamed from the window, the others were to extend themselves

around the other way, coming as far as the lighted window; then no one would be exposed.

"You'll go with me," said Kouka to the plain-clothes men. He said it darkly, with a sinister eye, implying that their work was to be heavy and dangerous.

"Don't shoot until I give the command."

They went across the street, bending low, almost crouching, stealing as softly as they could in their great heavy boots, gripping their revolvers nervously, filled with fear. Inside the gate, they surrounded the house.

Kouka led the way, motioning the others behind him with his hand. He stepped on to the low stoop, but stood at one side lest Archie shoot through the door. He stood as a reconnoitering burglar stands at one side of a window, out of range; cautiously he put forth his hand, knocked, and hastily jerked his hand away . . . He knocked twice, three times . . . After a while the door opened slowly, and Kouka saw Mrs. Koerner standing within, holding a lamp. Kouka instantly pushed his knee inside the door, and shouldered his way into the room. The three officers followed, displaying their revolvers.

"It's all off," said Kouka. "The house is surrounded. Where is he?"

Mrs. Koerner did not speak; she could not. Her face was white, the lamp shook in her hand; its yellow flame licked the rattling chimney, the reek of the oil filled the room. Finally she got to the table and with relief set the lamp down among the trinkets Archie had brought from the Philippines.

"Aw come, old woman!" said Kouka, seizing her by

the arm fiercely. "Come, don't give us any of the bull con. Where is he?"

Kouka held to her arm; he shook her and swore. Mrs. Koerner swallowed, managed to say something, but in German. And then instantly the four officers, as if seized by some savage, irresistible impulse, began to rummage and ransack the house. They tore about the little parlor, entered the little bedroom that had been Gusta's; they looked everywhere, in the most unlikely places, turning up mats, chairs, pulling off the bed-clothes. Then they burst into the room behind. Suddenly they halted and huddled in a group.

There, in the center of the room, stood old man Koerner, clad in his red flannel underclothes, in which he must have slept. He had an air of having just got out of bed; his white hair was tumbled, and he leaned on one crutch, as if one crutch were all that was necessary in dishabille. Below the stump of his amputated leg the red flannel leg of his drawers was tied into a knot. He presented a grotesque appearance, like some aged fiend. Under the white bush of his eyebrows, under his touseled white hair, his eyes gleamed fiercely.

"Vat de hell ails you fellers?"

"We want Archie," said Kouka, "and, by God, we're going to have him, dead or alive." He used the words of the advertised reward. "Where is he?"

Kouka and the other officers glanced apprehensively about the room, as if Archie and Curly might start out of some corner, or out of the floor, but in the end their glances came always back to Koerner, standing there in his red flannels, on one crutch and one leg, the red knot of the leg of his drawers dangling between.

"You vant Archie, huh?" asked Koerner. "Dot's it, aind't it—Archie—my poy Archie?"

"Yes, Archie, and we want him quick."

"Vat you want mit him, huh?"

"It's none of your business what we want with him," Kouka replied with an oath. "Where is he? Hurry up!"

"You bin a detective, huh? Dot's it, a detective?"

"Yes."

"You got some bapers for him?"

"That's my business," said Kouka, advancing menacingly toward Koerner. "You tell where he is or I'll run the whole family in. Here," he said suddenly, a thought having occurred to him, "put 'em under arrest, both of 'em!"

The old man shuffled backward, leaned against the table for support and raised his crutch for protection.

"You better look oudt, Mis'er Detective," said Koerner. "You'd better look oudt. Py Gott—"

Kouka stopped, considered, then changed his mind.

"Look here, Mr. Koerner," he said. "It's no use. We know Archie's here and we want him."

"He's not here," suddenly spoke Mrs. Koerner beside him. "He's not here!"

"The hell he ain't!" said Kouka. "I saw him come in—ten minutes ago. Search the house, men." And the rummaging began again.

The men were about to enter the little room where Koerner slept: it was dark in there and one of them took the lamp.

"Look oudt!" Koerner said suddenly. "Look oudt! You go in dere if you vant to, but, py Gott, don't blame me if—"

The men suddenly halted and stepped back.

"Go on in!" commanded Kouka. "What do you want to stand there for? Are you afraid?"

Then they went, ransacked that room, threw everything into disorder and came out.

"No one there," they reported in relief.

They searched the whole house over again, and old man Koerner stood by on one leg and his crutch, with a strange, amused smile on his yellow face. At last, Kouka, lifting his black visage, looked at the ceiling, sought some way as if to an upper story, found none, and then began to swear again, cursing the old man and his wife. Finally he said to the officers:

"He's been kidding us."

Then he called his men, dashed out of the house, and with a dark lantern began seeking signs in the back yard. Near the rear fence he discovered footprints in the soft earth; they climbed over and found other footprints in the mud of the alley.

"Here they went!" cried Kouka.

V

Archie had stood for a moment in his mother's embrace; he had felt her cheek against his; he had heard her voice again. He was forgetful of everything—of Curly's presence, of all he had ever been made to suffer by himself and by others. He knew that his mother's eyes were closed and that tears were squeezing through the lids; he felt his own tears coming, but it did not matter—in that moment he could cry without being made ashamed. It was a supreme moment for him, a moment when all he had been, all he had done, all he had not done, made no difference; no questions now, no reproaches, no accusations, not even forgiveness, for there was no need of forgiveness; a moment merely of love, an incredible moment, working a miracle in which men would not believe, having lost belief in Love. It was a moment that suffused his whole being with a new, surging life, out of which—

But it was only a moment. Curly had turned away, effacing himself. Presently he started, and cast about him that habitual backward glance; he had heard a step. It was Koerner. The old man, in his shirt-sleeves, swinging heavily between his crutches, paused in the doorway, and then seeing his boy, his face softened, and, balanced on his crutches, he held out his arms and Archie strode toward him.

Curly waited another moment like the first, taking the chances, almost cynically wondering how far he

could brave this fate. It was still in the little room. The words were few. The moment brought memories to him as well,—but he could endure it no longer; the risk was enormous already; they were losing time. For, just as they had entered the house, in that habitual glance over the shoulder, Curly had seen the figure in the dark doorway across the street—and he knew.

"Come on, Archie," he said.

Archie turned in surprise.

"It's all off," Curly said. "We're dogged."

"Why?"

"The bulls—"

"Where?"

"Across the street—an elbow."

"Him?"

"Yes."

"The hell!"

Curly glanced toward the back room. But Archie suddenly grew stubborn.

"No," he said. "Let's stick and slug."

"Don't be a chump," said Curly.

"We're heeled."

"Well, they'd settle you in a minute."

"They can't. We can bust the bulls."

"All right," said Curly. "Be the wise guy if you want to. I'll take it on the lam for mine; they ain't going to bury me. Can I get out that way?"

He brushed past them in the doorway, and called from the kitchen:

"Besides, you've got orders."

Then Archie remembered; he looked at his mother, at his father, glanced about the little room, barren in the poverty that had entered the home, hesitated, then

turned and left them standing there. As he passed through the kitchen he heard little Katie and little Jake breathing in their sleep, and the sound tore his heart.

He was over the fence and in the alley just behind Curly. They ran for a block, darted across a lighted street, then into the black alley again. For several blocks they dashed along, getting on as fast as they could. Then at length Archie, soft from his imprisonment, stopped in the utter abandon of physical exhaustion and stood leaning against a barn.

"God!" he said, "I hain't going another step! I'm all in!"

Curly had been leading the way in the tireless energy of the health his out-of-door life gave him, but when Archie stopped, he paused and stood attent, inclining his head and listening.

The night, almost half gone, was still; sounds that in the daytime and in the earlier evening had been lost in the roar of the city became distinct, trolley-cars sweeping along some distant street, the long and lonesome whistles of railroad engines, now and then the ringing of a bell; close by, the nocturnal movements of animals in the barns that staggered grotesquely along the alley.

"It's all right," said Curly; "we've made a getaway."

He relaxed and slouched over to where Archie stood.

"Where are we, do you know?" he asked.

Archie thought. "That must be Fifteenth Street down there. Yes, there's the gas house." He pointed to a dark mass looming in the night. "And the canal —and yes, Maynard's lumber-yard's right beyond."

"How far from the spill?"

"About three blocks."

"Come on, we must get out on the main stem."

They went on, but in the security they felt at not being followed, they ran no more, but paced rapidly along, side by side. They had not had the time nor the breath for talk, but now suddenly, Archie, in a tone that paid tribute to Curly's powers, expressed the subliminal surprise he had had.

"How did you know the bulls was there?"

"I piked off the elbow just as we went in."

"I didn't see him," said Archie. "Where was he?"

"Right across the street, planted in a doorway."

"How do you suppose he'd spotted us?"

"Oh, he was layin' for you, that's all. He had it all framed up. He thought he'd job you and swell himself."

"What do you think of that now!"

They reached the yard where the black shadows cast by the tall leaning piles of lumber welcomed them like friends, and through this they passed, coming out at length on the railroad. They reconnoitered. The sky of the October night was overcast by thin clouds which, gray at first, turned bright silver as they flew beneath the risen moon.

"The dog's out," said Curly, who had almost as many names for the moon as a poet.

Before them the rails gleamed and glinted; over the yards myriads of switch-lights glowed red and green, sinister and confusing. Not far away a switch-engine stood, leisurely working the pump of its air-brake, emitting steamy sighs, as if it were snatching a moment's rest from its labors. On the damp and heavy

air the voices of the engineer and fireman were borne to them. At times other switch-engines slid up and down the tracks. Curly and Archie sat down in the shadow of the lumber and waited. After a while, down the rails a white light swung in an arc, the resting switch-engine moved and began to make up a freight-train.

"Now's our chance," said Curly.

The switch-engine went to and fro and up and down, whistling now and then, ringing its bell constantly, drawing cars back and forth interminably, pulling strings of them here and there, adding to and taking from its train, stopping finally for a few minutes while a heavy passenger-train swept by, its sleeping-cars all dark, rolling heavily, mysteriously, their solid wheels clicking delicately over the joints of the rails.

"I wish we were on that rattler," said Archie, with the longing a departing train inspires, and more than the normal longing. Curly laughed.

"The John O'Brien's good enough for us," he said.

The passenger-train, shrinking in size by swift perceptible degrees as it lost itself in the darkness, soon was gone. The white lantern swung again, and the switch-engine resumed its monotonous labors, confined to the tedious limits of that yard, never allowed to go out into the larger world. Gradually it worked the train it was patiently piecing together over to the side of the yard where Archie and Curly waited. Then, at last, watching their chance, they slipped out, found an open car, sprang into it, slunk out of possible sight of conductor or switchman, and were happy.

The car was bumped and buffeted up and down the yard for an hour, but Archie and Curly within were

laughing at having thus eluded the officers. They sat against the wall of the car, their knees to their chins, talking under cover of the noise the cars made. After a while the engine whistled and the train moved.

When they awoke, the car was standing still and a gray light came through the cracks of the door.

"I wonder where we are," said Archie, rubbing his eyes.

Curly got up, stretched, crept to the middle of the car and looked out. Presently Archie heard him say:

"By God!"

He joined him. And there were the lumber piles. It was morning, the city was awake, the grinding of its weary mills had begun. They were just where they had been the night before.

"Marooned!" said Curly, and he laughed.

They decided, or Curly decided, that they must wait. Some of those restless switch-engines would make up another train before long, and in it they might leave the town, in which there was now no place of safety for them. The morning was cold; the chill of the damp atmosphere stiffened them. Just outside, in the lumber-yard, several men were working, and the fugitives must not be seen by them, for they would be as hostile as the whole world had suddenly become. They waited, but the men did not leave. Their task seemed to be as endless as that of the switch-engine. For a long while the railroad yards were strangely still. Now and then Curly crept to the door and peeped out; the lumber-shovers were not twenty feet away. The door on the opposite side of the car was locked. Finally, they grew restless; they decided to go out anyhow.

"Hell!" said Archie. "There's nothing to it. Let's mope."

Something of Archie's recklessness and disregard of consequences affected Curly.

"Well, all right," he said; "come on."

They went to the door of the car. And there, looking full in their faces, was a switchman with a red, rough face and a stubble of reddish beard. The switchman drew back with a curse to express his astonishment, his surprise, the sudden fright that confused and angered him.

"Come out o' that, you hobos," he called, stepping back. The men in the lumber-yard heard his sudden cry, stopped and looked up. The switchman cursed and called again.

Curly and Archie shrank into the darkness of the car. Archie had drawn his revolver.

"Put it up," said Curly, with the anger of his disappointment.

They waited and listened; the switchman's voice was heard no more; he must have gone away.

"He'll blow us to the railroad coppers. Now's our only chance!"

They went to the door, leaped out, bent their heads and ran. And instantly, with the howl of the hunter, the men in the lumber-yard, not knowing Archie or Curly or what they had done, or whether they had done anything, left their work and ran after them, raising the old hue and cry of English justice. Even the engines in the yards joined by sounding sharp, angry blasts on their whistles, and behind the little group that was rapidly becoming a mob, raced the switchman with two of the railroad's detectives.

As swiftly as they could, in their stiffness and their hunger and their cold, Archie and Curly ran down the long yards, over cinders and uneven ties. They ran for a quarter of a mile and the yard narrowed, the tracks began to converge, to unite, marking the beginning of the main line. On either side rose the clayey banks, ahead there was a narrow cut with an elevated crossing; near this was a switchman's shanty. Just then something sang over their heads, a musical humming sound. They knew the sound a bullet makes and dodged into the switchman's shanty, slammed the door behind them, locked it and, a moment later, were at bay with the mob. The crowd surged up to the very door, flung itself against the shanty. Then Curly called:

"Stand back!"

The cry of the crowd was given in a lower, angrier tone; again it hurled itself against the door, and the little shanty, painted in the yellow and white of the railroad, rocked. Another shot pierced the shanty, splintering the boards above their heads. Then Archie stepped to the little window, thrust out his revolver. There was an angry cry outside, then stillness; the crowd gave way, withdrew, and kept its distance.

"Don't push the rod!" Curly commanded. "What in hell ails you?"

"Oh, sin not leery! I'll plug 'em for keeps!"

Curly looked into Archie's white face.

"Are the bulls tailing on?" he asked.

"They're coming strong! Listen!"

"We'd better cave!" urged Curly.

"Like hell!" Archie replied. "They don't drop me without a muss now. If you want to flunk—"

Curly's face flamed and his little eyes pierced Archie.

"Look out, young fellow!" he said, taking a sudden step toward him. Archie looked at him with a sneer. Then Curly stopped.

"Look here, Dutch," he said. "Don't be a fool. We're—"

"I've told you what I'll do," said Archie, all the dogged stubbornness of his nature aroused. Then Curly seemed to lose interest. Outside they could hear the crowd again.

Half an hour passed. They heard the clang of a gong in the near-by street.

"The pie wagon," said Curly.

Archie was quiet. There was a cheer, then a voice, deep, commanding and official:

"Surrender in the name of the law!"

Curly looked a question at Archie.

"What ails you to-day?" asked Archie. "Lost your nerve?"

"I haven't lost my nut."

"We'll give you three minutes," said the voice, "then if you don't come out, holding up your hands, we'll fire."

For what seemed a long time there was utter quiet, then bullets tore through the pine boards of the little shanty and Archie sprang to the window and fired. Curly was squatting on the floor. Archie fired again, and again, and yet again.

"I've only got one left," he said, turning from the window.

"All right, then we'll cave."

Curly got up, went to the door, flung it open and held up his hands. The mob cheered.

But Archie stayed. The officer called again, Curly called, the crowd called; then the shooting began again. Presently Archie appeared in the doorway and looked about with a white, defiant face. And there, before him, a rod away, stood Kouka, revolver in hand. He saw Archie, his brow wrinkled, and he smiled darkly.

"You might as well—" he began.

Archie looked at him an instant, slowly raised his revolver above his head, lowered it in deliberate aim, fired, and Kouka fell to his knees, toppled forward with a groan and collapsed in a heap on the ground, dead.

The crowd was stricken still. Archie stood looking at Kouka, his eyes burning, his face white, his smoking revolver lowered in his hand. A smile came to his pale, tense lips. Then the crowd closed in on him; the policemen, angry and ferocious, caught and pinioned him, began to club him. The crowd pressed closer, growing savage, shaking fists at him, trying to strike him. Suddenly some one began to call for a rope.

Then the policemen, so eager a moment before to wreak their own vengeance on him, were now concerned for his safety. A sergeant gave a command; they dragged Archie toward the patrol wagon. The crowd surged that way, and Archie, bareheaded, his yellow hair disordered, his eyes flashing, his white brow stained with blood, stared about on the policemen and on the crowd with a look of hatred. Then he glanced back to where some men were bending over Kouka, and he smiled again.

Archie looked about with a white, defiant face *Page 384*

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"Well, I croaked him all right," he said.

A patrolman struck him with a club; and he staggered as the blow fell with a sharp crash on his head.

"Get on there!" said the sergeant, cursing him. He was thrown into the patrol wagon beside Curly, and he sat there, white, with the blood trickling in two streams from his forehead, his eyes flashing, and the strange smile on his lips whenever he looked back where Kouka lay. The patrol wagon dashed away.

VI

Marriott was sensible of a hostile atmosphere the moment he entered the police station. The desk sergeant glanced at him with disapproval, kept him waiting, finally consulted an inspector, blew savagely into a speaking tube, and said:

"Here's a young lawyer to see Koerner."

The contemptuous description, the tone, the attitude, all expressed the hatred the police had for Archie, a hatred that Marriott realized would extend itself to him for taking sides with Archie. The turnkey, a thin German with cheek-bones that seemed about to perforate his sallow skin, a black mustache, and two black, glossy curls plastered on his low forehead, likewise scowled and showed reluctance.

"How many damned lawyers," he said, taking a corn-cob pipe from his mouth, "is that feller going to have, anyway?"

"Why," asked Marriott in a sudden hope that ignored the man's insolence, "have there been others?"

"Humph!" said the turnkey, jangling his heavy keys. "Only about a dozen."

"Well, I'll see him anyway."

Marriott had waited thus for Archie and for other men who had done crimes; but never for one who had killed a man. He felt a new, unpleasant sensation, a nervous apprehension, just a faint sickness, and then —Archie came.

The boy stepped into the turnkey's room with a certain air of relief; he straightened himself, stretched, and within the flannel undershirt that showed his white, muscular neck to its base, his chest expanded as he filled his lungs with the welcome air. He threw away his cigarette, came forward and pressed Marriott's hand, strongly, with hearty gratitude.

The turnkey led them to a dingy room, and locked them in a closet used as a consulting cabinet by those few prisoners who could secure lawyers. The gloom was almost as thick as the dust in the closet. Marriott thought of all the tragedies the black hole had known; and wondered if Archie had any such thoughts. He could not see Archie's face clearly, but it seemed to be clouded by too many realities to be conscious of the romantic or the tragic side of things. It was essential to talk in low tones, for they knew that the turnkey was listening through the thin, wooden partition. Marriott waited for Archie to begin.

"Well?" he said presently.

"Got a match, Mr. Marriott?" Archie asked.

Marriott drew out his silver match-box, and then looked at Archie's face glowing red in the tiny flame of the light he made for his cigarette. The action calmed and reassured Marriott. Archie's face wore no unwonted or tragic expression; if his experience had changed him, it had not as yet set its mark on him. Marriott lighted a cigarette himself.

"I was afraid you wouldn't come," said Archie, dropping to the floor the match he economically shared with Marriott, and then solicitously pressing out its little embers with his foot.

"I got your message only this morning."

"Humph!" sneered Archie. "That's the way of them coppers. I asked 'em to 'phone you the morning they made the pinch."

"Well, they didn't."

"No, they've got it in for me, Mr. Marriott; they'll job me if they can. I was worried and 'fraid I'd have to take some other lawyer."

"They told me you had seen others."

"Oh, some of them guys was here tryin' to tout out a case; you know the kind. Frisby and Pennell, some of them dead ones. I s'pose they were lookin' for a little notoriety."

The unpleasant sensation Marriott felt at Archie's recognition of his own notoriety was lost in the greater disgust that he had for the lawyers who were so anxious to share that notoriety. He knew how Frisby solicited such cases, how the poor and friendless prisoners eagerly grasped at the hopes he could so shamelessly hold out to them, how their friends and relatives mortgaged their homes, when they had them, or their furniture, or their labor in the future, to pay the fees he extorted. And he knew Pennell, the youth just out of law-school, who had the gift of the gab, and was an incorrigible spouter, having had the misfortune while in college to win a debate and to obtain a prize for oratory. His boundless conceit and assurance made up for his utter lack of knowledge of law, or of human nature, his utter lack of experience, or of sympathy. He had no principles, either, but merely a determination to get on in the world; he was ever for sale, and Marriott knew how his charlatanism would win, how soon he would be among the successful of the city.

"I tell you, Archie," he was saying, "I can't consent

to represent you if either of these fellows is in the case."

"Who? Them guys? Not much!" Archie puffed at his cigarette. "Not for me. I'm up against the real thing this time." He gave a little sardonic laugh.

It was difficult to discuss the case to any purpose in that little closet with its dirt and darkness, and the repressing knowledge that some one was straining to hear what they would say. Marriott watched the spark of Archie's cigarette glow and fade and glow and fade again.

"We can't talk here," said Archie. "You pull off my hearing as soon as possible, and get me out of here. When I get over to the pogey I'll have a chance to turn around, and we can talk. Bring it on as soon's you can, Mr. Marriott. Won't you? God! It's hell in that crum box, and those drunks snoring and snorting and havin' the willies all night. Can't you get it on to-morrow morning?"

"Can we be ready by then?"

"Oh, there's nothin' to it down here. We'll waive."

"We'll see," said Marriott, with the professional dislike of permitting clients to dictate how their desperate affairs should be managed. "You see I don't know the circumstances of the affair yet. All I know is what I've read in the papers."

"Oh, well, to hell with them," said Archie. "Never mind what they say. They're tryin' to stick me for that Flanagan job. You know, Mr. Marriott, I didn't have nothin' to do with that, don't you?"

Archie leaned forward in an appeal that was irresistible, convincing.

"Yes, I know that."

"All right, I want you to know that. I ain't that kind, you know. But Kouka—well, I got him, but I had to, Mr. Marriott; I had to. You see that, don't you? He agitated me to it; he agitated me to it."

He repeated the word thus strangely employed a number of times, as if it gave him relief and comfort.

"Yes, sir, he agitated me to it. I had to; that's all. It was a case of self-defense."

Marriott was silent for a few moments. Then he asked:

"Have you talked to the police?"

Archie laughed.

"They give me the third degree, but—there was nothin' doin'."

Marriott was relieved to find that he did not have to face the usual admission the police wring from their subjects, but Archie went on:

"Of course, that don't make no difference. They can frame up a confession all right."

"They'd hardly do anything that desperate," said Marriott, though not with the greatest assurance.

"Well," said Archie, "I wouldn't put it past 'em."

Marriott finished his cigarette in a reflective silence, dropped it to the floor and imitated Archie in the care with which he extinguished it. Then he sighed, straightened up and said:

"Well, Archie, let's get down to business; tell me the particulars."

And Archie narrated the events that led up to the tragedy.

"I wanted to see the old people—and the kids—and Gus." He was silent then, and Marriott did not break the silence.

"Say, Mr. Marriott," the boy suddenly asked, "where is Gus?"

"I don't know."

"What's become of her? Do you know that?"

"N-no—," said Marriott. He felt that Archie was eying him shrewdly.

"You know," said Archie in the lowest tone, "I'm afraid, I've got a kind of hunch—that she's—gone wrong."

Marriott feared his own silence, but he could not speak.

"Hell!" Archie exclaimed, in a tone that dismissed the question. "Well, I wanted to go home, and I goes, Curly and me. Kouka followed; he plants himself across the street, gets the harness bulls, and they goes gunning. Curly, he sees him—Curly can see anything. We lammed. The coppers misses us; and we gets on a freight-car. They cuts that car out, and we stays in it all night. Damn it! Did you ever hear o' such luck? Now did you, Mr. Marriott?"

Marriott owned that he had not.

"In the morning," Archie went on, "they lagged us and we ran—they began to shoot, and—"

He stopped.

"Well," he said very quietly. "I had my rod, and barked at Kouka. I got him."

Marriott wished that he could see Archie's face. It was not so dim in there as it had been, or so it seemed to Marriott, for his eyes had accommodated themselves to the gloom, but he could not read Archie's expression. He waited for him to go on. He was intensely interested now in the human side of the question; the legal side might wait. He longed to put a dozen ques-

tions to Archie, but he dared not; he felt that he could not profane this soul that had erred and gone astray, by prying out its secrets; he was conscious only of a great pity. He thought he might ask Archie if he had shot, aimed, intentionally; he wished to know just what had been in the boy's heart at that moment; then he had a great fear that Archie might tell him. But Archie was speaking again.

"Say, Mr. Marriott," he said, "could you go out to my home and get me some clothes? I want to make as good a front as I can when I go into court."

"Your clothes seem pretty good; they look new. They gave them to you, I suppose, at the penitentiary?"

Archie laughed.

"I'd look like a jay in them stir clothes," he said. "These—well, these ain't mine," he added simply. "But get me a shirt, if you can, and a collar and—a tie—a blue one. And say, if you can, get word to the folks—tell 'em not to worry. And if you can find Gus, tell her to come down. You know."

Marriott went out into the street, glad of the sunlight, the air, the bustle of normal life. And yet, as he analyzed his sensations, he was surprised to note that the whole affair had lacked the sense of tragedy he had expected; it all seemed natural and commonplace enough. Archie was the same boy he had known before. The murder was but an incident in Archie's life, that was all, just as his own sins and follies and mistakes were incidents that usually appeared to be necessary and unavoidable—incidents he could always abundantly account for and palliate and excuse and justify. Sometimes it seemed that even good grew

out of them. Sometimes! Yes, always, he felt, else were the universe wrong. And after all—where was the difference between sins? What made one greater than another? Wherein was the murder Archie had done worse than the unkind word he, Gordon Marriott, had spoken that morning? But Marriott put this phase of the question aside, and tried to trace Archie's deed back to its first cause. As he did this, he became fascinated with the speculation, and his heart beat fast as he thought that if he could present the case to a jury in all its clarity and truth—perhaps—perhaps—

VII

Archie did not have his hearing the next morning. The newspapers said "the State" was not ready, which meant that Allen, the prosecutor, and the police were not ready. Quinn and Allen had conferences. They felt it to be their duty to have Archie put to death if possible, and they were undecided as to which case would the better insure this result. Allen found legal difficulties; there was a question whether or not the murder of Kouka had been murder in the first degree. Hence he wished to have Bridget Flanagan identify Archie.

Several days elapsed, and then one morning, Bentley, the sheriff, brought Bridget Flanagan to the Central Police Station in a carriage. Allen and Cleary and Quinn, with several officers and reporters, were waiting to witness her confrontation of Archie.

The old woman was dressed in black; she wore a black shawl and a black bonnet, but these had faded independently of each other, so that each was now of its own dingy shade. The dress had a brown cast, the shawl a tone of green, the bonnet was dusty and graying, and the black veil that was tightly bound about her brow, like the band of a nun, had been empurpled in the process of decay. She leaned heavily on Bentley, tottering in her weakness, now and then lifting her arms with a wild, nervous gesture. Bentley's

huge, disproportionate bulk moved uncertainly beside her, lurching this way and that, as if he feared to step on her feet or her ancient gown, finding it difficult, at arm's length, to support and guide her. But at last he got her to a chair. At the edge of the purplish veil bound across the hairless brows, a strip of adhesive plaster showed. The old woman wearily closed the eyes that had gazed on the horrors of the tragedy; her mouth moved in senile spasms. Now and then she mumbled little prayers that sounded like oaths; and raised to her lips the little ball into which she had wadded her handkerchief. And she sat there, her palsied head shaking disparaging negatives. The police, the detectives, the prosecutor, the reporters looked on. They said nothing for a long time.

Cleary, trying to speak with an exaggerated tenderness, finally said:

"Miss Flanagan, we hate to trouble you, but we won't keep you long. We think we have the man who killed your dear sister—we'd like to have you see him—"

The old woman started, tried to get up, sank back, made a strange noise in her throat, pushed out her hands toward Cleary as if to repulse him and his suggestion, then clasped her hands, wrung them, closed her eyes, swayed to and fro in her chair and moaned, ejaculating the little prayers that sounded like oaths. Cleary waited. Quinn brought a glass of water. Presently the old woman grew calm again; after a while Cleary renewed his suggestion. The old woman continued to moan. Cleary whispered to two policemen and they left the room. The policemen were gone what seemed a long time, but at last they appeared in

the doorway, and between them, looking expectantly about him, was Archie Koerner. The policemen led him into the room, the group made way, they halted before the old woman. Cleary advanced.

"Miss Flanagan," he said very gently, standing beside her, and bending assiduously, "Miss Flanagan, will you please take a look now, and tell us—if you ever saw this man before, if he is the man who—"

Wearily, slowly, the old woman raised her blue eyelids; and then she shuddered, started, seemed to have a sudden access of strength, got to her feet and cried out:

"Oh, my poor sister! my poor sister! You kilt her! You kilt her!"

Then she sank to her knees and collapsed on the floor. Bentley ran across the room, brought a glass of water, and stood uncertainly, awkwardly about, while the others bore the old woman to a couch, stretched her out, threw up a window, began to fan her with newspapers, with hats, anything. Some one took the water from the sheriff, pressed the glass to the old woman's lips; it clicked against her teeth.

Then Cleary, Quinn, Bentley, the policemen, the detectives, the reporters, looked at one another and smiled, Cleary bent over the old woman.

"That's all, Miss Flanagan. You needn't worry any more. We're sorry we had to trouble you, but the law, you know, and our duty—"

He repeated the words "law" and "duty" several times. Meanwhile Archie stood there, between the two policemen. He looked about him, at the men in the room, at the old woman stretched on the lounge; finally his gaze fastened on Cleary, and his lips slowly curled

in a sneer, and his face hardened into an expression of utter scorn.

"Take him down!" shouted Cleary angrily.

The reporters rushed out. An hour later the extras were on the streets, announcing the complete and positive identification of Archie Koerner by Bridget Flanagan.

"The hardened prisoner," the reports said, "stood and sneered while the old woman confronted him. The police have not known so desperate a character in years."

VIII

Marriott had attended to all of Archie's commissions, save one—that of telling Gusta to go to him. He had not done this because he did not know where to find her. But Gusta went herself, just as she seemed to do most things in life, because she could not help doing them, because something impelled, forced her to do them,—some power that made sport of her, using a dozen agencies, forces hereditary, economic, social, moral, all sorts—driving her this way and that. She had read of the murder, and then, with horror, of Archie's arrest. She did not know he was out of prison until she heard that he was in prison again. She began to calculate the time that had flowed by so swiftly, making such changes in her life. Her first impulse was to go to him, but now she feared the police. She recalled her former visits, that first Sunday at the workhouse, on which she had thought herself so sad, whereas she had not begun to learn what sorrow was. She recalled the day in the police station a year before, and remembered the policeman who had held her arm so suggestively. She read the newspapers eagerly, absorbed every detail, her heart sinking lower than it had ever gone before. When she read that Marriott was to defend Archie, she allowed herself to hope. The next day she read an account of the identification of Archie by the surviving

Flanagan sister, and then, when hope was gone, she could resist no longer the impulse to go to him.

She paused again at the door of the sergeant's room, her heart beating painfully with the fear that showed itself in little white spots on each side of her nostrils; then the timid parleying with the officers, the delay, the suspicion, the opposition, the reluctance, until an officer in uniform took her in charge, led her down the iron stairway to the basement, and had the turnkey open the prison doors. Archie came to the bars, and peered purblindly into the gloom. And Gusta went close now, closer than she had ever gone before; the bars had no longer the old meaning for her, they had no longer their old repulsion, and she looked at Archie no more with the old feeling of reproach and moral superiority. In fact, she judged no more; sin had healed her of such faults as self-satisfaction and moral complacency; it had softened and instructed her, and in its great kindness revealed to her her own relation to all who sin, so that she came now with nothing but compassion, sympathy and love. Tears were streaming down her cheeks.

"Oh, Archie!" she said. "Oh, Archie!"

Archie looked at her and at the officers. Gusta was oblivious; she put her face to the greasy bars, and pressed her lips mutely between them. Archie, who did not like to cry before an officer and before the other prisoners, struggled hard. Then he kissed her, coldly.

"Oh, Archie, Archie!" was all she could say, putting all her anguish, her distress, her sorrow, her impotent desire to help into the varying inflections of her tone.

"Oh, Archie! Archie! *Archie!*"

She spoke his name this last time as if she must find relief by wringing her whole soul into it. Then she stood, biting her lip as if to stop its quivering. Archie, on his part, looked at her a moment, then at the floor.

"Say you didn't do it, Archie."

"Do what?"

"You know—"

"You mean Kouka?"

"Oh, no," she said, impatient with the question.

"That Flanagan job?"

She nodded rapidly.

"Of course not; you ought to know that. Every one knows that—even the coppers." His sentence ended with a sneer cast in the officer's direction. And Gusta sighed.

"I'm so glad!" she said, her bosom rising and falling in relief. "They all said—"

"Oh, that's just the frame-up," said Archie. "They'd job me for it quick enough." He was sneering again at the officer, as incarnating the whole police system, and his face was darkened by a look of all hatred and malignity. The officer smiled calmly.

"I'm so glad," Gusta was smiling now. "But—" she began. Her lip quivered; the tears started afresh. "What about the other?"

"That was self-defense; he agitated me to it. But don't let's talk before that copper there—" He could not avert his look of hatred from the officer, whose face was darkening, as he plucked nervously at his mustache.

"He'd say anything—that's his business," Archie went on, unable to restrain himself.

"Sh! Don't, Archie!" Gusta said. "Don't!"

Archie drew in full breaths, inflating his white chest. The officer returned his look of hatred, his bronzed face had taken on a shade of green; the two men struggled silently, then controlled themselves. Gusta was trying again to choke down her sobs.

"How's father?" Archie asked, after a silence, striving for a commonplace tone.

"He's well,—I guess."

"He knows, does he?"

"I—don't know."

"What! Why—can't you tell him? He could get down here, couldn't he? He had a crutch when I was there."

She was silent, her head drooped, the flowers in her hat brushed the bars at Archie's face. She thrust the toe of a patent-leather boot between the bars at the bottom of the door. The tips of her gloved fingers touched the bars lightly; there was a slight odor of perfume in the entry-way.

"You see," she said, "I—I can't go out there—any more." Her tears were falling on the cement floor, falling beside the iron bucket in which was kept the water for the prisoners to drink.

"Oh!" said Archie coldly.

She looked up suddenly, read the meaning of his changed expression, and then she pressed her face against the bars tightly, and cried out:

"Oh, Archie! Don't! Don't!"

He was hard with her.

"By God!" he said. "I don't know why *you* should have—oh, hell!"

He whirled on his heel, as if he would go away.

She clung to the bars, pressing her face against them, trying, as it were, to thrust her lips through them.

"Oh, Archie!" she said. "Archie! Don't do that—don't go that way! Listen—listen—listen to your sister! I'm the same old Gus—honest, honest, Archie! Listen! Look at me!"

He had thrust his hands into his pockets and walked to the end of the corridor. He paused there a moment, then turned and came back.

"Say, Gus," he said, "I wish you'd go tell Mr. Marriott I want to see him again. And say, if you go out to the house, see if you can't find that shirt of mine with the white and pink stripes—you know. I guess mother knows where it is. Do that now. And—"

"Time's up," said the officer. "I've got to go."

"And come down to-morrow, Gus," said Archie. She scarcely heard him as she turned to go.

"Hold on!" he called, pressing his face to the bars. "Say! Gus! Come here a minute."

She returned. She lifted her face, and he kissed her through the bars. And she went away, with sobs that racked her whole form.

As she started out by the convenient side door into the alley, the officer laid a hand on her shoulder.

"This way, young woman."

She looked at him a moment.

"You'd better go out the other door," he said.

She climbed the steps behind him, wondering why one door would not do as well as another. She had always gone out that side door before. When they were up-stairs, passing the sergeant's room, he touched her again.

"Hold on," he said.

"What do you want?" she asked in surprise,

"I guess you'd better stay here."

"Why?" she exclaimed. Her surprise had become a great fear. He made no reply, and pushed her into the sergeant's room. Then he whistled into a tube—some one answered. "Come down," he commanded. Presently a woman appeared, a woman with gray hair, in a blue gingham gown something like a nurse's uniform, with a metal badge on her full breast.

"Matron," said the officer, "take this girl in charge."

"Why! What do you mean?" Gusta exclaimed, her eyes wide, her lips parted. "What do you mean? What have I done? What do you—am I—*arrested?*"

"That's what they call it," said the officer.

"But what for?"

"You'll find out in time. Take her up-stairs, Matron."

Gusta looked at the officer, then at the matron. Her face was perfectly white.

The matron drew near, put her arm about her, and said:

"Come with me."

Gusta swayed uncertainly, tottered, then dragged herself off, leaning against the matron, walking as if in a daze.

IX

It had been months since Marriott had gone up those steps at the Wards', and he mounted them that November evening with a regret at the loss of the old footing, and an impatience with the events that had kept him away. He had waited for some such excuse as Gusta's commission now gave him, and the indignation he felt at the girl's arrest was not strong enough to suppress his gratitude for the opportunity the injustice opened to him. He was sure that Elizabeth knew he was to defend Archie; she must know how sensitive he was to the criticism that was implied in the tone with which the newspapers announced the fact. The newspapers, indeed, had shown feeling that Archie should be represented at all. They had published warnings against the law's delays, of which, they said, there had already been too many in that county, forgetting how they had celebrated the success and promptness, the industry and enterprise of John Eades. They had spoken of Archie as if he were a millionaire, about to evade and confound law and justice by the use of money. Marriott told himself, bitterly, that Elizabeth's circle would discuss the tragedy in this same tone, and speak of him with disappointment and distrust; that was the attitude his own friends had adopted; that was the way the lawyers and judges even had spoken to him of it; he recalled how cold and disapproving Eades had been. This recollection gave

Marriott pause; would it not now be natural for Elizabeth to take Eades's attitude? He shrank from the thought and wished he had not come, but he was at the door and he had Gusta's message—impossible as it seemed after all these thoughts had crossed his mind.

She received him in her old manner, without any of the stiffness he had feared the months might have made.

"Ah, Gordon," she said. "I'm so glad you came."

She led the way swiftly into the library. A little wood fire, against the chill of the autumn evening, was blazing in the wide fireplace; under the lamp on the broad table lay a book she must have put down a moment before.

"What have you been reading? Oh, *Walden!*" And he turned to her with the smile of their old comradeship in such things.

"I've been reading it again, yes," she said, "and I've wished to talk it over again with you. So you see I'm glad you came."

"I came with a message from—"

"Oh!" The bright look faded from her eyes. "Well, I'm glad, then, that *some one sent* you to me."

He saw his mistake, and grieved for it.

"I wanted to come," he stammered. "I've been intending to come, Elizabeth, anyway, and—"

He felt he was only making the matter worse, and he hated himself for his awkwardness.

"Well," she was saying, "sit down then, and tell me whom this fortunate message is from."

She leaned back in her chair, rather grandly, he felt. He regretted the touch of formality that was almost an irony in her speech. But he thought it best to let

it pass,—they could get back to the old footing more quickly if they did it that way.

"You'd never guess," he said.

"I'll not try. Tell me."

"Gusta."

"Gusta!" Elizabeth leaned forward eagerly, and Marriott thought that he had never before seen her so good to look upon; she was so virile, so alive. He noted her gray eyes, bright with interest and surprise, her brown hair, too soft to be confined in any conventional way, and worn as ever with a characteristic independence that recognized without succumbing to fashion. He fixed his eyes on her hands, white, strong, full of character. And he bemoaned the loss of those months; why, he wondered, had he been so absurd?

"Gusta!" she repeated. "Where did you see Gusta?"

"In prison."

"What! No! Oh, Gordon!" she started with the shock, and Marriott found this attitude even more fascinating than the last; her various expressions changing swiftly, responding with instant sensitiveness to every new influence or suggestion, were all delightful.

"What for? Tell me! Why don't you tell me, Gordon? Why do you sit there?"

Her eyes flashed a reproach at him—and he smiled. He was wholly at ease now.

"For nothing. She's done nothing. She went to see Archie, and the police, stupid and brutal as usual, detained her. That's all; they placed the charge of suspicion against her to satisfy the law. The law!"

He sneered out the word.

Elizabeth had fallen back in her chair with an expression of pain.

"Oh, Gordon!" she said with a shudder. "Isn't it horrible, horrible!"

"Horrible!" he echoed.

"That poor Koerner family! What can the fates be about? You know—you know it all seems to come so near. Such things happen in the world, of course, every day the newspapers, the dreadful newspapers, are filled with them. But they never were real at all, because they never happened to people I knew. But this comes so near. Just think. I've seen that Archie Koerner, and he has spoken to me, and to think of him now, a murderer! Will—they hang him?"

She leaned forward earnestly.

"No," he said slowly. "They may electrocute him though—to use their barbarous word."

"And now Gusta's in prison!" Elizabeth went on, forgetting Archie. "But her message! You haven't given me her message!"

Marriott waited a moment, perhaps in his inability to forego the theatrical possibilities of the situation.

"She wants you—to come to her."

Elizabeth stared at him blankly.

"To come to her?"

"Yes."

"In prison?"

"Yes."

Her brows contracted, her eyes winked rapidly.

"But Gordon, how—how can I?"

"I don't know." He sat at his ease in the great chair, enjoying the meaning, the whole significance of her predicament. He had already appreciated its difficulties, its impossibilities, and he was prepared now to wring from every one of them its last sensation.

Elizabeth, with her elbow on the arm of her chair, her laces falling away from her white forearm, bit her lip delicately. She seemed to be looking at the toe of her suède shoe.

"Poor little thing!" She spoke abstractedly, as if she were oblivious to Marriott's presence. He was satisfied; it was good just then to sit, merely, and look at her. "I must go to her." And then suddenly she looked up and said in another tone:

"But how am I to do it, Gordon?"

He did not answer at once and she did not wait for a reply, but went on, speaking rapidly, her eyes in a dark glow as her interest was intensified.

"Isn't it a peculiar situation? I don't know how to deal with it. I never was so placed before. You must see the difficulties, Gordon. People, well, people don't go to such places, don't you know? I really don't see how it is possible; it makes me shudder to think of it! Ugh!" She shrugged her shoulders. "What shall you say to her, Gordon?" She said this as if the problem were his, not hers, and showed a relief in this transfer of the responsibility.

"I don't know yet," he said. "Whatever you tell me."

"But you must tell her something; you must make her understand. It won't do for you to hurt the poor girl's feelings."

"Well, I'll just say that I delivered her message and that you wouldn't come."

"Oh, Gordon! How could you be so cruel? You certainly would not be so heartless as to say I *wouldn't!*"

"Well, then, that you *couldn't.*"

"But she would want a reason, and she'd be entitled to one. What one could you give her? You must think, Gordon, we must both think, and decide on something that will help you out. What are you laughing at?"

"Why, Elizabeth," he said, "it isn't my predicament. It's your predicament."

He leaned back in his chair comfortably, in an attitude of irresponsibility.

"How can you sit there," Elizabeth said, "and leave it all to me?"

And then she laughed,—and was grave again.

"Of course," she said. "Well—I'm sure I can't solve it. Poor little Gusta! She was so pretty and so good, and so—comfortable to have around—don't you know? Really, we've never had a maid like her. She was ideal. And now to think of her—in prison! Isn't it awful?"

Marriott sat with half-closed eyes and looked at her through the haze of his lashes. The room was still; the fire burned slowly in the black chimney; now and then the oil gurgled cozily in the lamp.

"What is a prison like, Gordon? Is it really such an awful place?"

Marriott thought of the miserable room in the women's quarters, with its iron wainscoting, the narrow iron bed; the wooden table and chair, and he contrasted it with this luxurious library of the Wards.

"Well," he said, turning rather lazily toward the fire, "it's nothing like this."

"But,"—Elizabeth looked up suddenly with the eagerness of a new idea,—"can't you get her out on bail—isn't that what it's called? Can't you get some kind

of document, some writ?—yes, that's it." She spoke with pleasure because she had found a word with a legal sound. "Get a writ. Surely you are a lawyer clever enough to get her out. I always thought that any one could get out of prison if he had a good lawyer. The papers all say so."

"You get in prison once and see," said Marriott.

"Mercy, I expect to be in prison next!" Elizabeth exclaimed. "Prisons! We seem to have had nothing but prisons for a year or more. I don't know what started it—first it was that poor Harry Graves, then Archie, and now it's Gusta. And you talk of them and John Eades talks of them—and I had to see them one night taking some prisoners to the penitentiary. I'd never even thought of prisons before, but since then I've thought of nothing else; I've lived in an atmosphere of prisons. It's just like a new word, one you never heard before,—you see it some day, and then you're constantly running across it. Don't you know? It's the same way with history—I never knew who Pestalozzi was until the other day; never had heard of him. But I saw his name in Emerson, then looked him up—now everything I read mentions him. And oh! the memory of those men they were taking to the penitentiary! I'll never escape it! I see their faces always!"

"Were they such bad faces?"

"Oh, no! such poor, pale, pathetic faces! Just like a page from a Russian novel!"

The memory brought pain to her eyes, and she suffered a moment. Then she sat erect and folded her hands with determination.

"We might as well face it, Gordon, of course. I

just can't go; you see that, don't you? What shall we do?"

"You might try your Organized Charities." His eyes twinkled.

"Don't ever mention that to me," she commanded. "I never want to hear the word. That's a page from my past that I'm ashamed of."

"Ashamed! Of the Organized Charities?"

"Oh, Gordon, I needn't tell you what a farce that is —you know it is organized not to help the poor, but to help the rich to *forget* the poor, to keep the poor at a distance, where they can't reproach you and prick your conscience. The Organized Charities is an institution for the benefit of the unworthy rich." Her eyes showed her pleasure in her epigram, and they both laughed. But the pleasure could not last long; in another instant Elizabeth's hands fell to her lap, and she looked at Marriott soberly. Then she said, with hopeless conviction:

"I just can't go, Gordon."

Before Marriott could reply there was a sense of interruption; he heard doors softly open and close, the muffled and proper step of a maid, the well-known sounds that told him that somewhere in the house a bell had rung. In another moment he heard voices in the hall; a laugh of familiarity, more steps,—and then Eades and Modderwell and Mrs. Ward entered the room. Elizabeth cast at Marriott a quick glance of disappointment and displeasure; his heart leaped, he wondered if it were because of Eades's coming. Then he decided, against his will, that it was because of Modderwell. A constraint came over him, he suddenly felt it impossible that he should speak, he

withdrew wholly within himself, and sat with an air of detachment.

The clergyman, stooping an instant to chafe his palms before the fire, had taken a chair close to Elizabeth, and he now began making remarks about nothing, his clean, ruddy face smiling constantly, showing his perfect teeth, his eyes roving over Elizabeth's figure.

"Well! Well! Well!" he cried. "What grave questions have you two been deciding this time?"

Elizabeth glanced at Marriott, whose face was drawn, then at Eades, who sat there in the full propriety of his evening clothes, then at her mother, seated in what was considered the correct attitude for a lady on whom her rector had called.

"I think it's good we came, eh, Eades?" the clergyman went on, without waiting for an answer. "It is not good for you to be too serious, Miss Elizabeth,—my pastoral calls are meant as much as anything to take people out of themselves." He laughed again in his abundant self-satisfaction and reclined comfortably in his chair. And he rolled his head in his clerical collar, with a smile to show Elizabeth how he regarded duties that in all propriety must not be considered too seriously or too sincerely. But Elizabeth did not smile. She met his eyes calmly.

"Dear me," he said, mocking her gravity. "It must have been serious."

"It was," said Elizabeth soberly. "It was—the murder!"

"The murder! Shocking!" said Modderwell. "I've read something about it. The newspapers say the identification of Koerner by that poor old woman was

complete and positive; they say the shock was such that she fainted, and that he stood there all the time and sneered. I hope, Eades, you will see that the wretch gets his deserts promptly, and send him to the gallows, where he belongs!"

"Marriott here doesn't join you in that wish, I know," said Eades.

"No? Why not?" asked Modderwell. "Surely he—"

"He's going to defend the murderer." Eades spoke in a tone that had a sting for Marriott.

"Oh!" said Modderwell rather coldly. "I don't see how you can do such a thing, Marriott. For your own sake, as much as anybody's, I'm sorry I can't wish you success."

"I wish he hadn't undertaken the task," said Eades.

"I'm sure it must be most disagreeable," said Mrs. Ward, feeling that she must say something.

"Why do you wish it?" said Marriott, suddenly turning almost savagely on Eades.

"Why," said Eades, elevating his brows in a superior way, "I don't like to see you in such work. A criminal practice is the disreputable part of the profession."

"But you have a criminal practice."

"Oh, but on the other side!" said Modderwell. "And we all expect so much better things of Mr. Marriott."

"Oh, don't trouble yourselves about me!" said Marriott. "I'm sure I prefer my side of the case to Eades's."

The atmosphere was surcharged with bitterness. Mrs. Ward gave a sidelong glance of pain, deprecating such a *contretemps*.

"And I'm going to try to save him," Marriott was forging on.

"Well," said Eades, looking down on his large oval polished nails, and speaking in a tone that would finally dispose of the problem, "for my part, I revere the law and I want to see it enforced."

"Exactly!" Modderwell agreed. "And if there were fewer delays in bringing these criminals to justice, there would be fewer lynchings and more respect for the law."

Marriott did not even try to conceal the disgust with which he received this hackneyed and conventional formula of thoughtless respectability. He felt that it was useless to argue with Eades or Modderwell; it seemed to him that they had never thought seriously of such questions, and would not do so, but that they were merely echoing speeches they had heard all their lives, inherited speeches that had been in vogue for generations, ages, one might say.

"I am sure it must be a most disagreeable task," Mrs. Ward was saying, looking at her daughter in the hope that Elizabeth might relieve a situation with which she felt herself powerless to deal. Marriott seemed always to be introducing such topics, and she had the distaste of her class for the real vital questions of life. But Elizabeth was speaking.

"I'm sure that Gordon's task isn't more disagreeable than mine."

"Yours?" Mrs. Ward turned toward her daughter, dreading things even worse now.

"Yes," replied Elizabeth, looking about in pleasure at the surprise she had created.

"Why, what problem have you?" asked Modderwell.

"I've been sent for—to come to the prison to see—"

"Not *him!*" said Modderwell.

Eades started suddenly forward.

"No," said Elizabeth calmly, enjoying the situation, "his sister."

"His sister!"

"Yes," she turned to her mother. "You know, dear; Gusta. She's been arrested."

"Oh!" exclaimed Mrs. Ward. "Elizabeth! The idea! What impertinence! Who could have brought such an insolent message!" She looked at Marriott, as did the others.

"The idea!" Mrs. Ward went on. "Why, I had no notion he was *her* brother. To think of our harboring such people!"

Mrs. Ward stiffened in her chair, with glances from time to time for Marriott and Elizabeth, in an attitude of chilling and austere social disapproval; then, as if she had forgotten to claim the reassurance she felt to be certain, she leaned forward, out of the attitude as it were, to say:

"Of course you sent the reply her assurance deserved."

"No," said Elizabeth in a bird-like tone, "I didn't. What would you do, Mr. Eades?"

"Why, of course you could not go to a prison," replied Eades.

"But *you* could, couldn't you? And you do?"

"Only when necessary."

"But you do, Mr. Modderwell?"

"Only professionally," said Modderwell solemnly, for once remembering his clerical dignity.

"Oh, professionally!" said Elizabeth with a meaning.

"You go professionally, too, Gordon, don't you? And I—I can't go that way. I can go only—what shall I say?—humanly? So I suppose I can't go at all!"

"Certainly not," said Mrs. Ward. "How can you ask such a question?" She was now too disapproving for words. "I can not consent to your going at all, so let that end it."

"But, Mr. Modderwell," said Elizabeth, with a smile for her mother, "we pray, don't we, every Sunday for 'pity upon all prisoners and captives'?"

"That's entirely different," said Modderwell.

"What does it mean,—'I was in prison and ye visited me'?" She sat with her hands folded in humility, as if seeking wisdom and instruction.

"That was in another day," said Modderwell. "Society was not organized then as it is now; it was—all different, of course." Modderwell went on groping for justification. "If these people are repentant—are seeking to turn from their wickedness, the church has appointed the clergy to visit them and give them instruction."

"Then perhaps you'd better go!" Elizabeth's eyes sparkled, and she looked at Modderwell, who feared a joke or a trap; then at Eades, who was almost as deeply distressed as Mrs. Ward, and then at Marriott, whose eyes showed the relish with which he enjoyed the situation.

"I don't think she wishes to see me," said Modderwell, with a significance that did not have a tribute for Gusta. No one disputed him, and there was silence, in which Eades looked intently at Elizabeth, and then, just as he seemed on the point of speaking to her, he turned to Marriott and said:

"You certainly don't think that a proper place for her to go?"

"Oh," said Marriott, "don't refer to me; I'm out of it. I've been, I brought the message—it's—it's up to Elizabeth."

"Well," said Eades, turning to Elizabeth, "you surely can't be seriously considering such a thing. You don't know, of course, what kind of place that is, or what kind of people you would be going among, or what risks you would be exposing yourself to."

"There would be no danger, would there?" said Elizabeth in her most innocent manner. "There would be plenty of policemen at hand, wouldn't there,—in case of need?"

"Well, I don't think you'd willingly elect to go among policemen," said Eades.

"Perhaps you three would go with me?" suggested Elizabeth. "I'd be safe then—all I'd lack would be a physician to make my escort completely representative of the learned professions."

"The newspaper men would be there," said Eades, "you may be sure of that, and the publicity—"

At the word "publicity" Mrs. Ward cringed with genuine alarm.

"Do you find publicity so annoying?" asked Elizabeth, smiling on the three men.

"Elizabeth!" said Mrs. Ward, "I do wish you'd stop this nonsense! It may seem very amusing to you, but I assure you it is not amusing to me; I find it very distressing." She looked her distress, and then turned away in the disgust that was a part of her distress. "It would be shocking!" she said, when she seemed to them all to have had her say.

"I'm sorry to shock you all," said Elizabeth meekly. "It's very kind of you, I'm sure, to act as mentors and censors of my conduct. I feel sufficiently put down; you have helped me to a decision. I have decided, after hearing your arguments, and out of deference to your sentiments and opinions, to—"

They all looked up expectantly.

"—to go," she concluded.

She smiled on them all with serenity; and they looked at her with that blank helplessness that came over them whenever they tried to understand her.

X

Though Elizabeth, as long as Eades and Modderwell were there, had chosen to satirize her predicament, and had experienced the pleasure of shocking them by the decision she reached, she found when they had gone that night, and she was alone in her room, that it was no decision at all. The situation presented itself in all seriousness, and she found that she must deal with it, not in any whimsical spirit, but in sober earnestness. She found it to be a real problem, incapable of isolation from those artificialities which were all that made it a problem. She had found it easy and simple enough, and even proper and respectable to visit the poor in their homes, but when she contemplated visiting them in the prisons which seemed made for them alone, and were too often so much better than their homes, obstacles at once arose. As she more accurately imagined these obstacles, they became formidable. She sat by the table in her room, under the reading-lamp that stood among the books she kept beside her, and determined to think it out. She made elaborate preparations, deciding to marshal all the arguments and then make deductions and comparisons, and thus, by a process almost mathematical, determine what to do. But she never got beyond the preparations; her mind worked, after all, intuitively, she felt rather than thought; she imagined herself, in the morning, going to the

police station, confronting the officers, finally, perhaps, seeing Gusta. She saw clearly what her family, her friends, her set, the people she knew, would say —how horrified they would be, how they would judge and condemn her. Her mother, Eades and Modderwell accurately represented the world she knew. And the newspapers, in their eagerness for every detail touching the tragedy, however remotely, would publish the fact! "This morning Miss Elizabeth Ward, daughter of Stephen Ward, the broker, called on the Koerner girl. Fashionably dressed—" She could already see the cold black types! It was impossible, unheard of. Gusta had no right—ah, Gusta! She saw the girl's face, pretty as ever, but sad now, and stained by tears, pleading for human companionship and sympathy. She remembered how Gusta had served her almost slavishly, how she had sat up at night for her, and helped her at her toilet, sending delicious little thrills through her by the magnetic touch of her soft fingers. If she should send for Gusta, how quickly she would come, though she had to crawl!

And what, after all, was it that made it hard? What had decreed that she, one girl, should not go to see another girl who was in trouble? Such a natural human action was dictated by the ethics and by the religion of her kind and by all the teachings of her church, and yet, when it was proposed to practise these precepts, she found them treated cynically, as if they were of no worth or meaning. That very evening the representatives of the law and of theology had urged against it!

At breakfast her mother sat at table with her. Mrs. Ward had breakfasted an hour earlier with her husband, but she had a kindly way of following the

members of her family one after another to the table, and of entertaining them while they ate. She had told her husband of Elizabeth's contemplated visit to the prison, and then had decided to say nothing of it to Elizabeth, in the hope that the whim would have passed with the night. But Mrs. Ward could not long keep anything in her heart, and she was presently saying:

"I hope, dear, that you have given up that notion of going to see Gusta. I hope," she quickly added, putting it in the way she wished she had put it at first, "that you see your duty more clearly this morning."

"No," said Elizabeth, idly tilting a china cup in her fingers, and allowing the light that came through the tall, broad windows to fill it with the golden luminosity of the sun, "I don't see it clearly at all. I wish I did."

"Don't you think, dear, that you allow yourself to grow morbid, pondering over your duty so much?"

"I don't think I'm morbid." She would as readily have admitted that she was superstitious as that she was morbid.

"You have—what kind of conscience was it that Mr. Parrish was talking about the other night?" Mrs. Ward knitted the brows that life had marked so lightly.

"New England, I suppose," Elizabeth answered wearily. "But I have no New England conscience, mama. I have very little conscience at all, and as for my duty, I almost never do it. I am perfectly aware that if I did my duty I should lead an entirely different life; but I don't; I go on weakly, day after day, year after year, leading a perfectly useless existence, surrounded by wholly artificial duties, and now these same artificial duties keep me from performing my

real duty—which, just now, seems to me to go and see poor little Gusta."

Mrs. Ward was more disturbed, now that her daughter saw her duty, than she had been a moment before, when she had declared she could not see it.

"I do wish you could be like other girls," she said, speaking her thought as her habit was.

"I am," said Elizabeth, "am I not?"

"Well," Mrs. Ward qualified.

"In all except one thing."

Mrs. Ward looked her question.

"I'm not getting married very fast."

"No," said Mrs. Ward.

Elizabeth laughed for the first time that morning.

"You dear little mother, I really believe you're anxious to get rid of me!"

"Why, Elizabeth!" said Mrs. Ward, lifting her eyes and then lowering them suddenly, in her reproach. "How can you say such a thing!"

"But never mind," Elizabeth went on:

"'If no one ever marries me I sha'n't mind very much;
I shall buy a squirrel in a cage and a little rabbit hutch.
I shall have a cottage in a wood, and a pony all my own,
And a little lamb quite clean and tame that I can take to town.
And when I'm getting really old—at twenty-eight or nine—
I shall buy a little orphan girl and bring her up as mine."

She smiled as she finished her quotation, and then suddenly sobered as she said:

"I'm twenty-seven already!"

"Who wrote that?" asked Mrs. Ward.

"Alma-Tadema."

"Oh! I thought Mr. Marriott might have done it. It's certainly very silly."

Nora had brought her breakfast, and the action recalled Gusta to Elizabeth.

"What did papa say—about my going to the prison?"

"He said," Mrs. Ward began gladly, "that, of course, we all felt very sorry for Gusta, but that you couldn't go *there*. He said it would be absurd; that you don't understand." Mrs. Ward was silent for a moment, knowing how much greater the father's influence was than her own. She was glad that Elizabeth seemed altogether docile and practicable this morning.

"There's a good girl now," Mrs. Ward added in the hope of pressing her advantage home.

Elizabeth gave a little start of irritability.

"I wish you wouldn't talk to me in that way, mama. I'm not a child."

"But surely your father knows best, dear," the mother insisted, "more than—we do."

"Not necessarily," said Elizabeth.

"Why! How can you say so!" exclaimed Mrs. Ward, who bowed to all authority as a part of her religion.

"Papa takes merely the conventional view," Elizabeth went on, "and the conventional view is taken without thought."

"But—surely—" Mrs. Ward stammered, in the impotence of one who, easily convinced without reasons, has no reasons at command—"surely—you heard what Mr. Modderwell and Mr. Eades said."

"Their view is conventional," said Elizabeth, "and proper." She gave a little curl of her lip as she spoke this last word.

"Well, I'm sure, dear, that we all wish to be proper, and Mr. Modderwell and Mr. Eades—"

"Oh! Don't quote those two men to me! Two such prigs, such Pharisees, I never saw!"

Mrs. Ward looked at her daughter in a new horror. "Why, Elizabeth! I'm surprised—I thought that Mr. Eades especially—"

"Well, don't you think Mr. Eades especially at all! He's not especially; he thinks he is, no doubt, and so does everybody else, but they have no right to, and hereafter Mr. Eades can't come here—that's all!" Her eyes were flashing.

Mrs. Ward ventured no further just then, but presently resumed:

"Think what people would say!"

"Oh, mother! Please don't use that argument. I have often told you that I don't care at all what people say."

"I only wish you cared more." She looked at Elizabeth helplessly a moment and then broke out with what she had been tempted all along to say.

"It's that Gordon Marriott! That's what it is! He has such strange, wild notions. He defends these criminals, it seems. I don't see how he can approve their actions the way he does."

"Why, mother!" said Elizabeth. "How you talk! You might think I was a little child with no mind of my own. And besides, Gordon does not approve of their actions, he disapproves of their actions, but he recognizes them as people, as human beings, just like us—"

"Just like us!" exclaimed Mrs. Ward, withdrawing herself wholly from any contact with the mere sug-

gestion. "Just like us, indeed! Well, I'd have him know they're not like us, at all!"

Elizabeth saw how hopeless it was to try to make her mother understand Marriott's attitude, especially when she found it difficult to understand it herself.

"Just like us, indeed!" Mrs. Ward repeated. "You are certainly the most astonishing girl."

"What's the excitement?"

It was Dick, just entering the room. He was clean-shaved, and glowing from his plunge, his face ruddy and his eyes bright. He was good-humored that morning, for he had had nearly five hours of sleep. His mother poured his coffee and he began eating his breakfast.

"What's the matter, Bess?" he asked, seizing the paper his father had laid aside, and glancing at it in a man's ability to read and converse with women at the same time.

"Why, she threatens to go to the jail," Mrs. Ward hastened to reply, in her eagerness for a partizan in her cause. "And her father and Mr. Modderwell and Mr. Eades have all advised her that it would be improper —to say nothing of my own wishes in the matter."

Dick, to his mother's disappointment, only laughed.

"What do you want to go there for? Some of your friends been run in?"

"Yes," said Elizabeth calmly.

"That's too bad! Why don't you have Eades let 'em out,—you certainly have a swell pull with him."

"You have just had Mr. Eades's opinion from mama."

"Who is your friend?"

"Gusta."

Dick's face was suddenly swept with scarlet, and he started—looked up, then hastily raised his coffee-cup, drained its last drop, flung his napkin on his plate, and said:

"Oh, that girl that used to work for us?"

"Yes."

"Well, mother's right."

Mrs. Ward looked her gratitude.

"Of course, you can't go."

"I can't?"

He had risen from the table, and Elizabeth's tone impressed him.

"Look here," he said peremptorily. "You just can't go there, that's all there is about it!"

"Why not?"

"Because you can't. It wouldn't do, it wouldn't be the thing; you ought to know that."

"But why?" Elizabeth persisted. "I want a reason."

"You don't mean to say you seriously consider it?" asked Dick in real alarm.

"Yes, I do."

Dick suddenly grew excited, his eyes flamed, and he was very red.

"Look here, Bess," he said. "You just can't, that's all."

"Can't I?" she said, and she gave a little laugh. It was not her usual pleasant laugh.

"No, you can't." He spoke more than insistently, he spoke angrily. He snatched out his thin gold watch and glanced at it. "I've not got time to discuss this thing. You just can't go—that's all there is to it."

Elizabeth rose from the table calmly, went out of

the room, and Dick, after a hesitant moment, ran after her.

"Bess! Bess!"

She stopped.

"See here, Bess, you must not go there to see that girl. I'm surprised! She isn't the sort, you understand! You don't know what you're doing. Now look here—wait a minute!" He caught her by the arm. "I tell you it's not the thing, you mustn't!"

He was quite beside himself.

"You seem greatly excited," she said.

He made a great effort, controlled himself, and, still holding her, began to plead.

"Please don't go, Bess!" he said. "Please don't!"

"But why—*why?*" she insisted.

"Because I say so."

"Humph!"

"Because I ask it. Please don't; do it for me, this once. You'll be sorry if you do. Please don't go!"

His eyes were full of the plea he was incoherently stammering. He was greatly moved, greatly agitated.

"Why, Dick," she said, "what is the matter with you? You seem to take this trifle very much to heart. You seem to have some special interest, some deep reason. I wish you'd tell me what it is. Why shouldn't I go to see poor Gusta? She's in trouble—she was always good to me."

There was a sudden strange wild expression in his face, his lips were slightly parted. The moments were flying, and he must be off.

"Oh, Bess," he said, "for God's sake, don't go!"

He implored her in his look, then snatching out his watch ran to the hall, seized his hat and top-coat, and

went out, flinging on his coat as he ran, and leaving the door flying wide behind him. Elizabeth stood looking after him. When she turned, her mother was in the room.

"What can be the matter with Dick?" said Elizabeth. "I never saw him so excited before. He seemed—" She paused, and bit her lip.

"Well, my dear," said Mrs. Ward calmly, "you see now, I hope, just how the world regards such a wild action. It was his love and respect for his sister, of course."

XI

"No, don't say anything more. I've thought it all out; my duty's clear now, I must go." Elizabeth laid her hand on her father's shoulder, and though he turned from the great desk at which he sat in his private office, he hesitated. "Come on."

"That conscience of yours, Bess—" he began, drawing down the lid of his desk.

"Yes, I know, but I can't help it."

"How did you decide at last to go?" asked Ward, as they walked rapidly along in the crowded street.

"Well, it tortured me—I couldn't decide. It seemed so difficult,—every one—mama, our dear Modderwell, Mr. Eades, Dick—he nearly lost his reason, and he did lose his temper—thought it impossible. But at last I decided—"

"Yes?"

"—just to go."

Elizabeth gave a little laugh at this not very illuminating explanation.

"I didn't know what the proprieties were," she went on. "Our little code had not provided rules—what to wear, the chaperonage, and all that, you know. And then,"—she abandoned her irony,—"I thought of you."

"As a last resort, eh?" said Ward, looking fondly into her face, flushing behind her veil in the keen November air. She drew close to him, put her hand on his arm.

"Yes," she said, "and as a first resort, as a constant, never-failing resort."

She gave his arm a little squeeze, and he pressed her hand to his side in silence.

"Do you know where it is?" Elizabeth asked presently.

"Oh, yes, I was there once."

"When?"

"When that boy of mine was arrested—Graves."

"Yes, I remember."

"I wonder," he said after a pause, and he paused again at the question he seemed to fear—"whatever became of him!"

She had never told him of that day at the charity bureau; she wondered if she should do so now, but she heard him sigh, and she let it pass.

"Yes," he went on as if she had been privy to his rapid train of thought, "I suppose such things must be; something must be done with them, of course. I hope I did right."

At the Central Station they encountered a young policeman, who, when he saw Ward, evidently recognized him as a man of affairs, for he came forward with flattering alacrity, touching his helmet in the respect which authority always has ready for the rich, as perhaps the real source of its privilege and its strength. The young policeman, with a smile on his pleasant Irish face, took Ward and Elizabeth in charge.

"I'll take yez to the front office," he said, "and let yez speak to the inspector himself."

When McFee understood who Ward was, he came out instantly, with an unofficial readiness to make a difficult experience easy for them; he implied an in-

stant and delicate recognition of the patronage he saw, or thought it proper to see, in this visit, and he even expressed a sympathy for Gusta herself.

"I'm glad you came, Mr. Ward," he said. "We had to hold the poor girl, of course, for a few days, until we could finish our investigation of the case. Will you go up—or shall I have her brought down?"

"Oh, we'll go up," said Ward, wondering where that was, and discovering suddenly in himself the usual morbid desire to look at the inmates of a prison. The sergeant detailed to conduct them led them up two broad flights of stairs, and down a long hall, where, at his step, a matron appeared, with a bunch of keys hanging at her white apron. Elizabeth went with none of the sensations she had expected. She had been surprised to find the police station a quiet place, and the policemen themselves had been very polite, obliging and disinterested. But when the matron unlocked one of the doors, and stood aside, Elizabeth felt her breast flutter with fear.

The sergeant stood in the hall, silent and unconcerned, and when the matron asked him if he would be present at the interview he shook his head in a way that indicated the occasion as one of those when rules and regulations may be suspended. Ward, though he would have liked to go in, elected to remain outside with the sergeant, and as he did this he smiled reassuringly at Elizabeth, just then hesitating on the threshold.

"Oh, just step right in," said the matron, standing politely aside. And Elizabeth drew a deep breath and took the step.

She entered a small vestibule formed of high parti-

tions of flanged boards that were painted drab; and she waited another moment, with its gathering anxiety and apprehension, for the matron to unlock a second door. The door opened with a whine and there, at the other end of the room in the morning light that struggled through the dirty glass of the grated window, she saw Gusta. The girl sat on a common wooden chair that had once been yellow, her hat on, her hands gloved and folded in her lap, as if in another instant she were to leave the room she somehow had an air of refusing to identify herself with.

"She's sat that way ever since she came," the matron whispered. "She hasn't slep' a wink, nor e't a mouthful."

Elizabeth's glance swept the room which was Gusta's prison, its walls lined higher than her head with sheet-iron; on one side a narrow cot, frowsy, filthy, that looked as if it were never made, though the dirty pillow told how many persons had slept in it—or tried to sleep in it. There was a wooden table, with a battered tin cup, a few crusts and crumbs of rye bread, and cockroaches that raced energetically about, pausing now and then to wave their inquisitive antennæ, and, besides, a cheap, small edition of the Bible, adding with a kind of brutal mockery the final touch of squalor to the room.

Gusta moved, looked up, made sure, and then suddenly rose and came toward her.

"I knew you'd come, Miss Elizabeth," the girl said, with a relief that compromised the certainty she had just expressed.

"I came as soon as I could, Gusta," said Elizabeth, with an amused conjecture as to what Gusta might

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think had the girl known what difficulties she had had in getting there at all.

"Yes," said Gusta, "thank you, I—"

She blushed to her throat. They stood there in the middle of that common prison; a sudden constraint lay on them. Elizabeth, conscious of the difficulty of the whole situation, and with a little palpitating fear at being in a prison at all—a haunting apprehension of some mistake, some oversight, some sudden slip or sliding of a bolt—did not know what to say to Gusta now that she was there. She felt helpless, there was not even a chair to sit in; she shuddered at the thought of contact with any of the mean articles of furniture, and stood rigidly in the middle of the room. She looked at Gusta closely; already, of course, with her feminine instinct, she had taken in Gusta's dress—the clothes that she instantly recognized as being better than Gusta had ever before worn—a hat heavy with plumes, a tan coat, long and of that extreme mode which foretold its early passing from the fashion, the high-heeled boots. Her coat was open and revealed a thin bodice with a lace yoke, and a chain of some sort. An odor of perfume enveloped her. The whole costume was distasteful to Elizabeth, it was something too much, and had an indefinable quality of tawdriness that was hard to confirm, until she saw in it, somehow, the first signs of moral disintegration. And this showed in Gusta's face, fuller—as was her whole figure—than Elizabeth remembered it, and in a certain coarseness of expression that had scarcely as yet gone the length of fixing itself in lines. Elizabeth felt something that she recoiled from, and her attitude stiffened imperceptibly. But not imperceptibly to Gusta, who was a woman,

too, and had an instant sense of the woman in Elizabeth shrinking from what the woman in her no longer had to protect itself with, and she felt the woman's rush of anger and rebellion in such a relation. But then, she softened, and looked up with big tears. She had a sudden yearning to fling herself on Elizabeth's breast, but leave was wanting, and then, almost desperately, for she must assert her sisterhood, must touch and cling to her, she seized Elizabeth's hand and held it.

"Oh, Miss Elizabeth," she said, "I oughtn't to 'av' sent for you. I know I had no right; but you was always good to me, and I had no one. I've done nothing. I've done nothing, honest, honest, Miss Elizabeth, I've done nothing. I don't know what I'm here for at all; they won't tell me. And Archie, too, it must have something to do with him, but he's innocent, too. He hasn't done nothing either. Won't you believe me? Oh, say you will!"

She still clung to Elizabeth's hand, and now she pressed it in both her own, and raised it, and came closer, and looked into Elizabeth's face.

"Say you believe me!" she insisted, and Elizabeth, half in fear, as though to pacify a maniac, nodded.

"Of course, of course, Gusta."

"You mean it?"

"Surely I do."

"And you know I'm just as good as I ever was, don't you?"

"Why—of course, I do, Gusta." It is so hard to lie; the truth, in its divine persistence, springs so incautiously to the eyes before it can be checked at the lips.

The tears dried suddenly in Gusta's blue eyes. She spoke fiercely.

"You don't mean it! No, you don't mean it! I see you don't—you needn't say you do! Oh, you needn't say you do!"

She squeezed Elizabeth's hand almost maliciously and Elizabeth winced with pain.

"You—you don't know!" Gusta went on. And then she hesitated, seemed to deliberate on the verge of a certain desperation, to pause for an instant before a temptation to which she longed to yield.

"I could tell you something," she said significantly.

A wonder gathered in Elizabeth's eyes. Her heart was beating rapidly, she could feel it throbbing.

"Do you know why I sent for you—what I had to tell you?"

She was looking directly in Elizabeth's eyes; the faces of both girls became pale. And Elizabeth groped in her startled mind for some clear recognition, some postulation of a fact, a horrible, blasting certitude that was beginning to formulate itself, a certitude that would have swept away in an instant all those formal barriers that had stood in the way of her coming to this haggard prison. She shuddered, and closed her mind, as she closed her eyes just then, to shut out the look in the eyes of this imprisoned girl.

But the moment was too tense to last. Some mercy was in the breast of the girl to whom life had shown so little mercy. Voluntarily, she released Elizabeth, and put up her hands to her face, and shook with sobs.

"Don't, don't, Gusta," Elizabeth pleaded, "don't cry, dear."

The endearment made Gusta cry the harder. And

then Elizabeth, who had shrunk from her and from everything in the room, put her arms about her, and supported her, and patted her shoulder and repeated:

"There, dear, there, you mustn't cry."

And then presently:

"Tell me what I can do to help you. I want to help you."

Gusta sobbed a moment longer.

"Nothing, there is nothing," she said. "I just wanted you. I wanted some one—"

"Yes, I understand," said Elizabeth. She did understand many things now that made life clearer, if sadder.

"I wanted you to tell my poor old mother," said Gusta. "That's all—that's what I had to tell you."

She said it so unconvincingly, and looked up suddenly with a wan smile that begged forgiveness, and then Elizabeth did what a while before would have been impossible—she kissed the girl's cheek. And Gusta cuddled close to her in a peace that almost purred, and was contented.

Gusta was held for a week; then released.

XII

Archie was looking well that Monday morning in January on which his trial was to begin. He had slept soundly in his canvas hammock; not even the whimpering of Reinhart, the young sneak thief whom every one in the jail detested, nor the strange noises and startled outcries he made in his sleep—when he did sleep—had disturbed him. The night before, Utter had allowed Archie a bath, though he had broken a rule in doing so, and that morning Archie had borrowed a whisk from Utter, brushed his old clothes industriously, and then he had put on the underwear his mother had washed and patched and mended, and the shirt of blue and white stripes Marriott had provided. Then with scrupulous care he set his cell in order, arranged his few things on the little table—the deck of cards, the yellow-covered dog's-eared novel and a broken comb. Beside these, lay his fresh collar and his beloved blue cravat with the white polka dots; his coat and waistcoat hung over the back of his chair. At seven o'clock Willie Kirkpatrick, alias "Toughie," a boy who, after two terms in the Reform School, was now going to the Intermediate Prison, had brought in the bread and coffee. At eight o'clock Archie was turned into the corridor, and with him Blanco, the bigamist, whose two young wives were being held as witnesses in the women's quarter. Blanco was a barber, and he made himself useful by shaving the other

prisoners. This morning, with scissors, razor, lather-brush and cup, he took especial pains with Archie. Now and then he paused, cocked his little head with its plume of black hair, and surveyed his handiwork with honest pride.

"I'll fix you up swell, Dutch, so's they'll have to acquit you."

From the cells came laughter. The prisoners began to josh Blanco—it was one of their few pastimes.

"Don't stand for one of them gilly hair-cuts, Dutch," cried Billy Whee, a porch-climber. "It'll be a fritzer, sure."

"Yes, he'll make your knob look like a mop."

"When I was doing my bit at the Pork Dump," began O'Grady, in the tone that portends a story; the cell doors began to rattle.

"Cheese it," cried the voices. They had grown tired of O'Grady's boasting.

After Archie had returned to his cell, an English thief whom they called the Duke, began to sing in a clear tenor voice, to the tune of *Dixie:*

"I wish there were no prisons,
I do, I does—'cause why?—
This old treadmill makes me feel ill,
I only pinch my belly for to fill,
Wi' me 'ands,
Wi' me dukes,
Wi' me clawrs,
Me mud hooks."

Archie scowled; he wished, for once, the Duke would keep still. He was trying to think, trying to assure himself that his trial would turn out well. Day after day, Marriott had come, and for hours he and

Archie had sat in the long gray corridor, in the dry atmosphere of the overheated jail, conferring in whispers, because Archie knew Danner was listening at the peep-hole in the wall. Marriott was perplexed; how could he get Archie's true story before the jury? He had even consulted Elizabeth, told her the story.

"Oh, horrible!" she exclaimed. "But surely, you can tell the jury—surely they will sympathize."

He had shaken his head.

"Why not?"

"Because," said Marriott, "the rules of evidence are designed to keep out the truth."

"But can't Archie tell it?"

"I don't dare to let him take the stand."

"Why?"

"Because he'll be convicted if he does."

"And if he doesn't?"

"The same result—he'll be convicted. He's convicted now—the mob has already done that; the trial is only a conventional formality."

"What mob?"

"The newspapers, the preachers, the great moral, respectable mob that holds a man guilty until he proves himself innocent, and, if he asserts his innocence, looks even on that as a proof of his guilt."

Eades had announced that Archie would be tried for the murder of Kouka, and Elizabeth had been impressed.

"Wasn't that rather fine in him?" she asked.

"Yes," said Marriott, "and very clever."

"Clever?"

"He means to try him for the murder of Kouka, and convict him of the murder of Margaret Flanagan."

This morning then, Archie awaited the hour of his trial. The night before he had played solitaire, trying to read his fate in the fall of the fickle cards. The first game he had lost; then he decided that he was entitled to two out of three chances. He played again, and lost. Then he decided to play another—best three out of five—he might win the other two. He played and won the third game. He lost the fourth. And now he stood and waited. At half-past eight he drew on his waistcoat and his coat, giving them a final brushing. The Duke was singing again:

"An' I wish there were no bobbies,
I do, I does—'cause why?—
This oakum pickin' gives me such a lickin',
But still I likes to do a bit o' nickin',
Wi' me 'ands,
Wi' me dukes,
Wi' me clawrs,
Me mud hooks."

The last words of the song were punctuated by the clanging of the bolts.

"Koerner!" called out Danner's voice.

He was throwing the locks of Archie's cell from the big steel box by the door. Archie sprang to his feet, gave his cravat a final touch, and adjusted his coat. The steel door went gliding back in its hard grooves. He stepped out, thence through the other door, and there Danner waited. Archie held out his right hand, Danner slipped on the handcuff and its spring clicked. As they went out, cries came from the cells.

"So long, Archie! Good luck to ye!"

"Good luck!" came the chorus.

Archie, standing in the strange light outside the

prison, seemed to take on a changed aspect. He had grown fat during his two months' idleness in jail; his skin was white and soft. Now in the gray light of the January morning, his face had lost the ruddy glow Blanco's shaving had imparted to it, and was pale. The snow lay on the ground, the air was cold and raw. Archie gasped in the surprise his lungs felt in this atmosphere, startling in its cold and freshness after the hot air of the steam-heated jail. He filled his lungs with the air and blew it out again in frost. A shudder ran through him. Danner was jovial for once.

"Fine day," he said.

Archie did not reply. He hated Danner more than he hated most people, and he hated every one, almost —save Marriott and Gusta, and his father and mother and the kids, and Elizabeth, who, as Marriott had reported to him, wished him well. The air and the light gave him pain—he shrank from them; he had not been outdoors since that day, a month before, when he had been taken over with Curly to be arraigned. He looked on the world again, the world that was so strange and new. Once more there swept over him that queer sensation that always came as he stepped out of prison, the sensation of fear, of uncertainty, a doubt of reality, the blur before his eyes. The streets were deserted, the houses still. The snow crunched frigidly under his heels. The handcuff chain clicked in the frost. A wagon turned the corner; the driver walked beside his steaming horses and flapped his arms about his shoulders; the wheels whined on the snow. Archie looked at the man; it was strange, he felt, that a man should be free to walk the streets and flap his arms that way.

XIII

The court-room was already crowded and buzzed with a pleasant yet excited hum of voices. Mrs. Koerner, the first to appear that morning, had been given a seat directly in front of the bailiff's elevated desk, where she was to sit, a conspicuous figure of sorrow through all the trial. The twenty-four aged men of the special venire were seated inside the bar; the reporters were at their table; two policemen, wearing their heavy overcoats as if they were no discomfort at all, were gossiping together; Giles, the court stenographer, grown old in automatic service, wandered about in a thin coat with ragged sleeves, its shoulders powdered by dandruff. The life that for so many years had been unfolded to him in a series of dramatic tableaux could have interested him but little; he seemed, indeed, to have reduced it to mere symbols—dashes, pothooks, points and outlines. At one of the trial tables sat Marriott. He was nervous, not having slept well the night before. At the table with him was Pennell, the young lawyer with the gift of the gab, who had been so unfortunate as to win the oratorical prize in college. Pennell, at the last moment, somehow—Marriott never knew exactly how—had insinuated himself into the case. He explained his appearance by saying, in his grand, mysterious way, that he had been engaged by "certain influential friends" of Archie's, who preferred to remain unknown. Archie, who did not know that

he had any influential friends, could not explain Pennell's presence, but, feeling that the more lawyers he had the better, he was secretly glad, and Marriott, who bowed before the whole situation in a kind of helpless fatalism, made no objection.

But suddenly a change occurred. The atmosphere became electric. Men started up, their eyes glistened, they leaned forward, a low murmur arose; the old bailiff started violently, smote his marble slab with his gavel, and Mark Bentley, very red in the face, was seen striding toward the door, waving his authoritative hand and calling:

"Back there! Get back, I tell you!"

Archie had just been brought in. Danner led him to the trial table, and he took his seat, hid his manacled hands, and sat motionless, gazing straight before him, unconsciously obeying some long-hidden, obscure instinct of the hunted. But Marriott's hand had found his.

"How did you sleep last night?"

"Pretty well," said Archie as politely as possible, the occasion seeming to require those conventionalities of which he was so very uncertain.

"Well, we'll soon be at it now," said Marriott, thinking, however, of his own wretched night.

Archie watched Marriott tumble the papers out of his green bag and arrange his briefs and memoranda; he did not take his eyes from the green bag. Whenever he did, they met other eyes that looked at him with an expression that combined all the lower, brutish impulses—curiosity, fear and hate.

At half-past nine Glassford, having finished his cigar, entered the court-room. Directly behind him

came Eades. The bailiff, who if he had been drowsing again, had been drowsing as always, with one eye on Glassford, now got to his feet, and, as Glassford ascended the bench, struck the marble slab with the gavel and in the instant stillness, repeated his worn formula.

"The case of the State *versus* Archie Koerner," said Glassford, reading from his docket. He glanced over his gold glasses at Marriott.

"Are you ready for trial, Mr. Marriott?"

"We are ready, your Honor."

Danner unlocked the handcuffs from Archie's wrists. The reporters began writing feverishly; already messenger boys were coming and going. Gard, the clerk, was calling the roll of the venire-men, and when he had done, it was time for the lawyers to begin examining them; but before this could be done, it was necessary that a formula be repeated to them, and Gard told them to stand up. As soon as they could comprehend his meaning, they got to their feet with their various difficulties, and Gard proceeded:

" 'You and each of you do solemnly swear'—hold up your right hands—'that the answers you are about to give will be the truth, the whole truth, and nothing but the truth, s'elp you God.' "

And then, in a lower voice, as if the real business were now to begin, he called:

"William C. McGiffert."

An aged man came forward leaning on a crooked cane, and took the witness-stand. Eades began his examination by telling McGiffert about the death of Kouka, and, when he had finished, asked him if he had ever heard of it, or read of it, or formed or expressed

an opinion about it, if he were related to Koerner, or to Marriott, or to Pennell, or had ever employed them, or either of them, as attorney. Then he asked McGiffert if Lamborn or himself had acted as his attorney; finally, with an air of the utmost fairness, as if he would not for worlds have any but an entirely unprejudiced jury, he appealed to McGiffert to tell whether he knew of any reason why he could not give Koerner a fair and impartial trial and render a verdict according to the law and the evidence. McGiffert had shaken his head hastily at each one of Eades's questions. Eades paused impressively, then asked a question that sent a thrill through the onlookers.

"Mr. McGiffert, have you any conscientious scruples against capital punishment?"

The suggestive possibility affected men strangely; they leaned forward, hanging on the reply. McGiffert shook his aged head again as if it were a gratuitous reflection on his character to hint at his being in any way unfit for this office.

Eades, having had McGiffert on many juries and knowing that he invariably voted for conviction, with a graceful gesture of his white hand, waved him, as it were, to Marriott.

Marriott, after an examination he knew was hopeless from the start, found no cause for challenge; and after Glassford, as if some deeper possibilities had occurred to his superior mind, had asked McGiffert about his age and his health, McGiffert, with the relief of a man who has passed successfully through an ordeal, climbed hastily into the jury-box and retreated to its farthest corner, as if it were a safe place from which he could not be dislodged.

One by one the venire-men were examined; several were excused. One old man, although he protested, was manifestly deaf, another had employed Eades, another rose and, hanging over the desk, whispered to Glassford, who immediately excused him because of physical disability; finally, by noon, the panel was full.

Marriott scanned the twelve bearded men. Viewed as a whole, they seemed well to typify the great institution of the English law, centuries old; their beards clung to them like the gray moss of a live-oak, hoary with age. But these patriarchal beards could lend little dignity. The old men sat there suggesting the diseases of age—rheumatism, lumbago, palsy—death and decay. Their faces were mere masks of clay; they were lacking in imagination, in humor, in sympathy, in pity, in mercy, all the high human qualities having long ago died within them, leaving their bodies untenanted. He knew they were ready at that moment to convict Archie. He had sixteen peremptory challenges, and as he reflected that these would soon be exhausted and that the men who were thus excused would be replaced by others just like them, a despair seized him. But it was imperative to get rid of these; they were, for the most part, professional jurors who would invariably vote for the state. He must begin to use those precious peremptory challenges and compel the court to issue special venires; in the haste and confusion men might be found who would be less professional and more intelligent. In this case, involving, as it did, the Flanagan case, he needed strong, independent men, whereas Eades required instead weak, subservient and stupid men—men with crystallized minds, dull, orthodox, inaccessible to ideas. Further-

more, Marriott recalled that juries are not made up of twelve men, as the law boasts, but of two or three men, or more often, of one man stronger than the rest, who dominates his fellows, lays his masterful will upon them, and bends them to his wishes and his prejudices. Perhaps, in some special venire, quite by accident, when the sheriff's deputies began to scour the town, there might be found one such man, who, for some obscure reason, would incline to Archie's side. On such a caprice of fate hung Archie's life.

"Mr. Marriott, the court is waiting," said Glassford.

"If your Honor will indulge us a moment." Then Marriott whispered to Archie.

"Je's," said Archie. "Looks cheesy to me. Looks to me like a lot o' rummy blokes. They've got it all framed up now. Them old hoosiers would cop the cush all right." Archie whispered with the sneering cynicism of one who holds the belief of the all-powerful influence of money. "That old harp back there in the corner with the green benny on, he looks like a bull to me. Go after him and knock him off."

Archie had indicated quite openly an aged Irishman who sat huddled in a faded overcoat in the rear row. He had white chin-whiskers and a long, broad, clean-shaven upper lip.

"Mr. McGee," said Marriott, rising, "what business are you in?"

"Oi'm retired, sor."

"Were you ever on the police force?"

"Well, sor," said McGee uneasily, "Oi wor wance, sor—yes, sor."

He looked up now with a nonchalant air.

"How long were you on the force?"

"Twinty-wan years, sor."

Marriott questioned him at length, finally challenged him for cause; Eades objected, they argued, and Glassford overruled the challenge. Then, having certainly offended McGee, there was nothing for Marriott to do but to submit a peremptory challenge.

By night the venire was exhausted and Glassford ordered a special venire. With the serving of the special venires, a difference was noted; whereas the men on the first venire had studied how they should qualify themselves for jury service, the men whom Bentley and his deputies now haled into court, studied how they should disqualify themselves. They were all impatient of the senseless tedium, of the costly interruption, being men with real work to do. They replied like experts; all had read of the case, all had formed and expressed opinions, and their opinions could not be shaken by any evidence that might be adduced. Glassford plied them with metaphysical questions; drew psychological distinctions; but in vain. Many of them had scruples against capital punishment; a score of them, fifty of them swore to this, to the delight but disappointment of Marriott, the discomfiture of Eades, the perplexity of Glassford, and the dull amazement of the men in the jury-box, who had no conscientious scruples against anything. Still others had certificates of various kinds exempting them from jury service, which they exhibited with calm smiles and were excused.

Marriott eked out his precious peremptory challenges for three days; venire after venire was issued, and Bentley was happy, for all this meant fees. The crowd diminished. The lawyers grew weary and no longer

exerted themselves to say clever things. The sky, which had sparkled a cold, frosty blue for days, was overcast with gray clouds, the atmosphere was saturated with a chill and penetrating moisture. This atmosphere affected men strangely. Eades and Marriott had a dispute, Danner ordered Archie to sit erect, Glassford sharply rebuked two citizens who did not believe in capital punishment for their lack of a sense of civic duty; then he whirled about in his chair and exclaimed angrily:

"We'll not adjourn to-night until we have a jury!"

Marriott had one peremptory challenge left, and eleven men had been accepted. It was now a matter of luck.

"George Holden," called the clerk.

A broad-shouldered man of medium height came promptly forward, took the oath, leaned back in his chair, crossed his legs, folded his strong hands in his lap, and raised a pair of deep blue eyes to Eades. As he sat there, something in the poise of his fine head, with its thick curly hair, claimed attention; interest revived; every one looked at him. He had a smooth-shaven face and a wide white brow, and the collar of his dark flannel shirt was open, freeing his strong neck and ample throat. Marriott suddenly conceived a liking for the man.

"What is your occupation, Mr. Holden?" asked Eades.

"Machinist."

He had read the newspaper accounts of the murder of Kouka and of the Flanagan tragedy, but he had not formed any real opinions; he may have formed impressions, but he could lay them aside; he didn't go

much anyway, he said, on what he read in the newspapers.

The formal questions were put and answered to Eades's satisfaction; then came the real question:

"Are you opposed to capital punishment?"

"Yes, sir, I am."

"Are your scruples conscientious ones?"

"Yes, sir."

"And not to be overcome?"

"They are not to be overcome."

Just then Glassford, impatient of all these scruples he was hearing so much about, whirled on Holden with a scowl. Holden turned; his blue eyes met those of Glassford.

"You don't want to sit on this jury, do you?" demanded Glassford.

"No, sir."

"It would interfere with your business, wouldn't it?"

"No, sir."

"It wouldn't? You earn good wages, don't you?"

"I'm out of a job now, sir."

"Well, are your scruples such that you can't lay them aside long enough to do your duty as a citizen?"

Holden flushed.

"I can't lay them aside, no; but it doesn't follow that I can't do my duty as a citizen."

"But," began Glassford in his tone of legal argument, "assuming that the law as it is should be altered, nevertheless, knowing the law, can you lay aside your private views and perform a public duty by applying this law to a given state of facts as the court instructs you?—You understand me, do you?"

"I understand perfectly, sir."

"Well, what do you say?"

"I have no private views that are not public ones; I can't see any distinction. I say that I would not take an oath that might oblige me to vote to kill a man."

The atmosphere became tense.

"But assuming you had taken an oath, would you rather break that oath than discharge your duty?"

"I wouldn't take such an oath."

"Then you place your private opinions above the law, do you?"

"In this instance, I do. I don't believe in that law, and I won't help enforce it."

"You mean,"—Glassford was plainly angry—"that you wouldn't take an oath to enforce a law you didn't believe in?"

"That's just what I mean."

Glassford looked an instant at Holden as if trying to decide what he had better do with him for these heresies. Holden's blue eyes were steady; they returned Glassford's gaze, seeming scarcely to wink. And just then Eades, fearing the effect of the man's scruples on the jury, thought best to relieve the situation.

"We submit a challenge for cause," he said.

"Allowed," Glassford snapped. "We don't want such men as you on juries."

He whirled about in his chair, turned his back on Holden, and as Holden walked directly from the courtroom, the eyes of all followed him, with a strange interest in a man who was considered unfit for jury service because he had principles he would not forego.

"Samuel Walker," called Gard.

An aged, doddering man tottered to the chair. He

scarcely spoke in answer to Eades's questions; when he did, it was in the weak, quavering voice of senility. He had no occupation, knew none of the lawyers, had no knowledge of the case, had neither formed nor expressed opinions, and had no scruples against capital punishment.

"You believe that the laws should be executed and upheld?" said Eades in an insinuating tone.

"Heh?" said the old man, leaning forward with an open palm behind his hairy ear.

Eades repeated the question and the fellow nodded.

Marriott turned in disgust from this stupid, senile man who was qualified, as impatiently as Glassford had turned from the intelligent man who was disqualified. And then, just as Walker was making for the jury-box, Marriott used his last peremptory challenge.

A moment later he saw his mistake. Gard was calling a name he knew.

"William A. Broadwell."

The short winter afternoon was closing in. For half an hour shadows had been stealing wearily through the room; the spectators had become a blurred mass, the jurymen lounging in the box had grown indistinct in the gloom. For some time, the green shade of the electric lamp on the clerk's desk had been glowing, but now, as Broadwell came forward, the old bailiff, shuffling across the floor, suddenly switched on the electricity, and group by group, cluster by cluster, the bulbs sprang into light, first in the ceiling, then on the walls, then about the judge's bench. There was a touch of the theatrical in it, for the lights seemed to have been switched on to illuminate the entrance of this important man.

He was sworn and took the witness-chair, which he completely filled, and clasped his white hands across his round paunch with an air that savored of piety and unction. The few gray hairs glistening at the sides of his round bald head gave it a tonsured appearance; fat enfolded his skull, rounding at his temples, swelling on his clean-shaven, monkish cheeks, falling in folds like dewlaps over his linen collar. He sat there with satisfaction, breathing heavily, making no movement, excepting as to his thin lips which he pursed now and then as if to adjust them more and more perfectly to what he considered the proper expression of impeccability. Marriott was utterly sick at heart. For he knew William A. Broadwell, orthodox, formal, eminently respectable, a server on committees, a deacon with certain cheap honors of the churchly kind, a Pharisee of the Pharisees.

In his low solemn voice, pursing his lips nicely after each sentence as if his own words tasted good to him, Broadwell answered Eades's questions; he had no opposition to capital punishment, indeed, he added quite gratuitously, he believed in supporting it; he had great veneration for the law, and—oh, yes, he had read accounts of the murder; read them merely because he esteemed it a citizen's duty to be conversant with affairs of the day, and he had formed opinions as any intelligent man must necessarily.

"But you could lay aside those opinions and reach a conclusion based purely on evidence, of course, Mr. Broadwell?"

"Oh, yes, sir," said Broadwell, with an unctuous smile that deprecated the idea of his being influenced in any but the legitimate way.

"We are thoroughly satisfied with Mr. Broadwell, your Honor," said Eades.

"One minute, Mr. Broadwell," began Marriott.

Glassford looked at Marriott the surprise he felt at his presumption, and Marriott felt an opposition in the room. Broadwell shifted slightly, pursed his lips smugly and looked down on Marriott with his wise benevolence.

"Mr. Broadwell, you say you read the accounts of the tragedy?"

"Yes."

"Did you read all of them?"

"I believe so."

"Read the report of the evidence given on the preliminary hearing?"

"Yes."

"Read the editorials in the *Courier?*"

"Yes."

"You respect its opinions?"

"I do, yes."

"Your pastor preached a sermon on this case, did he not?"

"He made applications of it in an illustrative way."

"Quite edifying, of course?"

Marriott knew he had made a mistake, but the impulse to have this fling had been irresistible. Broadwell bowed coldly.

"And all these things influenced you?"

"Yes."

"Exactly. And on them you have formed an opinion respecting the guilt or innocence of this young man?"

Broadwell cast a hasty sidelong glance at Glassford,

as if this had gone quite far enough, but he said patiently:

"Yes."

"And it would require evidence to remove that opinion?"

"I presume it would."

"You know it would, don't you?"

"Yes."

"We submit a challenge for cause, your Honor," said Marriott.

Glassford turned to Broadwell with an air that told how speedily he would make an end of this business.

"You have talked with none of the witnesses, Mr. Broadwell?"

"Oh, no, sir," said Broadwell, smiling at the absurdity.

"The accounts you read were not stenographic reports of the evidence?"

"No, sir; abstracts, rather, I should say."

"Exactly. Were the conclusions you came to opinions, or mere impressions?"

"Mere impressions I should say, your Honor."

"They are not to be dignified by the name of opinions?"

"Hardly, your Honor."

"If they were, you could lay them aside and try this case on its merits, basing your judgment on the evidence as it is adduced, and on the law as the court shall declare it to you?"

"Certainly, your Honor."

Glassford turned away.

"If the court," he said, "had any doubts in this matter, they would be resolved in favor of the defendant,

but the court has none. My own knowledge of Mr. Broadwell and of his standing in the community leads me to declare that he is the very man for such important service, and the court feels that we are to be congratulated on having him to assist us in trying this case. The challenge is overruled. You may take your seat in the jury-box, Mr. Broadwell."

Glassford consulted his notes; the peremptory challenges were all exhausted now.

"The jury will rise and be sworn," he said.

Marriott had suffered his first defeat. He looked at the jury. A change had taken place; these twelve men no longer impressed him as an institution grown old and gray with the waste of ages. They no longer held for him any symbolic meaning; little by little, during the long, tedious hours, individualities had developed, the idea of unity had receded. Seen thus closely and with increasing familiarity, the formal disappeared, the man emerged from the mass, and Marriott found himself face to face with the personal equation. He sat with one arm thrown over the back of his chair and looked at them, watching, as it were, this institution disintegrate into men, merely; men without the inspiration of noble ideals, swayed by primitive impulses, unconsciously responsive to the obscure and mysterious currents of human feeling then flowing through the minds of the people, generating and setting in motion vague, terrible and irresistible powers. He could feel those strange, occult currents moving in him—he must set himself against them that he might stand, though all alone, for the ignorant boy whose soul had strayed so far.

He studied the faces of the twelve men, trying to

discover some hope, some means of moving and winning them. There was old McGiffert, who alone of all the first venire had withstood the mutations of the last four days, sitting serene and triumphant, sure of his two dollars a day, utterly unconscious of the grave and tragic significance of the responsibilities he had been so anxious to assume. There was Osgood, the contractor, a long row of cigars, a tooth-brush, and a narrow comb sticking out of his waistcoat pocket; Duncan, with his short sandy hair covering sparsely a red scalp that moved curiously when he uttered certain words; Foley, constantly munching his tobacco, as he had been doing for sixty years, so that when he spoke he did so with closed lips; Slade, the man with the rough red face, who found, as Marriott had at first thought, amusement in everything, for he smiled often, showing his gums and a row of tiny unclean teeth; there was Grey, constantly moving his false teeth about in his mouth; Church, with thin gray hair, white mustache and one large front tooth that pressed into his lower lip; and then Menard, the grocer's clerk, wearing black clothes that long ago had passed out of fashion; his sallow, thin, unhealthy face wearing an expression of fright. Marriott recalled how uncertain Menard had been in his notions about capital punishment; how, at first, he had said he was opposed to it, and how at last, under Glassford's metaphysical distinctions, the boy had declared that he would do his duty. Marriott had been encouraged, thinking that Menard's natural impulses might reassert themselves, but now, alas, he recognized that Menard in the hands of other men would be but the putty he so much resembled. Then there were Reder, the gray old Ger-

man, and Chisholm and McCann, the aged farmers with the unkempt beards, and Broadwell—ah, Broadwell! For it was Broadwell who held Marriott's gaze at last, as he held his interest; it was Broadwell, indeed, who was that jury. Naturally stronger than the rest, his reputation, his pomposity, the character Glassford had generously given him—all these marked him as the man who would reach that jury's verdict for it, and then, as foreman, solemnly bear it in. Marriott looked at him, smug, sleek, overfed, unctuous, his shining bald head inclined at a meek angle, his little eyes half closed, his pendulous jowls hiding his collar, and realized that this was the man to whom he had to try Archie's case, and he would rather have tried the case to any other man in town. He wished that he had used his challenges differently; any other twelve of the two hundred men who had been summoned would have served his purpose better; he had a wild, impotent regret that he had not allowed the last man to remain before Broadwell suddenly appeared. Broadwell was standing there now with the others, his hand raised, his head thrown back, stretching the white flabby skin of his throat like a frog's, his eyes closed, as if he were about to pronounce a benediction on Archie before sending him to his doom.

Gard was repeating the oath:

"'You and each of you do solemnly swear that you will well and truly try and true deliverance make in the cause now pending, wherein the State is plaintiff and Archie Koerner is defendant, s'elp you God.'"

Broadwell bowed, as if for the jury; Marriott almost expected him to say "Amen."

XIV

The next morning there were the same eager, impatient crowds, but there were yet other preliminaries; the case must now be stated to the jury. And Eades, speaking solemnly, told the jury of the pursuit of Archie and the death of Kouka, all of which had been repeated many times. He spoke of the importance of government, of the sacredness of human life, how heinous a sin it is to kill people, and how important it was to put Archie to death immediately in order that this truth might be better understood, how serious were the juror's duties, how disagreeable his own duties, and so forth. Then he began to describe the murder of Margaret Flanagan, but Marriott objected. They wrangled over this for some time, and, indeed, until Eades, assured that the jurors had been sufficiently reminded of the Flanagan murder, felt satisfied. Then Marriott stated the case for the defense, and finally, that afternoon, the trial began in earnest.

Bentley, following his elaborate system of arrangement, bustled about with a deputy at hand so that he could command him, pushed back the crowd, locked the doors, and thereafter admitted no one unless he wished to. The spectators filled the space outside the bar, and encroached on the space within, forming a dense, closely-packed circle in the center of which were the jury, the lawyers at their tables, Archie and Danner, the reporters, the old stenographer, and Glass-

ford looking down from the bench. The spectators in a strained, nervous silence stared into the pit where the game was to be played, the game for which Eades and Marriott were nerving themselves, the game that had Archie's life for its colossal stake.

But as the afternoon wore on, expectations were not realized; the interest flagged. It was seen that the sensations would not come for days, the proceedings were to move slowly and with a vast and pompous deliberation to their unrevealed climax. Eades called as witnesses several laborers who had been of the crowd that pursued Archie and Curly down the tracks that morning. After them came Weber, the coroner, a fleshy man with red face and neck, who described the inquest, then his official physician, Doctor Zimmerman, a young man with a pointed beard, who wore three chains on his breast, one for the eye-glasses he was constantly readjusting, another for his clinical thermometer, and another for his watch. He gave the details of the post-mortem examination, described the dissection of Kouka's body, and identified the bullet.

The crowd pressed forward, trying to find some sensation in the ghastly relic. Eades gave the bullet to the nearest juryman, who examined it carefully and passed it on. It went from hand to hand of the jurymen, each rolled it in his palm, studied it with a look of wisdom; finally it returned to Eades. And the jurors leaned back in their chairs, convinced that Kouka was dead.

The next morning there were other laborers, other physicians, then railroad detectives, who identified the revolver. The day wore away, the atmosphere of the court-room became heavy and somnolent. As skilfully

as he could, Eades drew from his witnesses their stories, avoiding all questions that might disclose facts to Archie's advantage, and Marriott battled with these hostile witnesses in long cross-examinations, seeking in vain for some flaw, some inconsistency. The tedium told on the nerves,—Eades and Marriott had several quarrels, exchanged insults, Glassford was petulant, the stolid jurymen exhaled breaths as heavy as snores. Another day came, and judge and lawyers began with steadier nerves, more impersonal and formal manners; they were able to maintain a studious courtesy, the proceedings had an institutional character, something above the human, but as the day advanced, as the struggle grew more intense, as the wrangling became more frequent, it was seen that they were but men, breaking down and giving way to those passions their calm and stately institution condemned and punished in other men.

And through it all Archie sat there silent, and, as the newspaper men scrupulously reported each day, unmoved. But Marriott could hear him breathe, and when occasionally he glanced at him, could see tiny drops of moisture glistening on his brow, could see the cords swelling in his neck, could even hear the gurgle in his throat as he tried to swallow. Archie rarely spoke; he glanced at the witnesses, now and then at the jurors, but most of all at Eades. Thus far, however, the testimony had been formal; there was yet no evidence of premeditation on Archie's part, and that was the vital thing.

XV

And yet Marriott knew better than to hope. As he walked to the court-house Monday morning, he wondered how he was to get through the week. He looked on those he met as the strangely happy and favored beings of another world, and envied them keenly, even the ragged outcasts shoveling the newly-fallen snow from the sidewalks. And there in the upper corridor was that hated crowd, that seemed to be in league with Eades, Glassford, the jury, the police, the whole machinery of the state, to kill Archie, to stamp his identity out of the world. Just then the crowd gyrated in precipitated interest, and he saw Bentley and Danner bringing Archie down the hall, all three stamping the snow from their boots. And he saw another figure, new to him, but one that instantly filled him with strange foreboding. Why, he could not tell, but this was the effect of the figure that shambled down the corridor. The man was alone, a tall gaunt form in rough gray clothes, with a long gray face, walking in loose gangling strides, flinging his huge feet one after the other, leaving moist tracks behind him. A hickory cane dangled by its crook from his left arm, he slowly smoked a cigar, taking it from his mouth occasionally with an uncouth gesture. As he swung along in his awkward, spraddling gait, his frame somehow conveyed paradoxically an impression of strength. It seemed that at any moment this man was in danger of

coming apart and collapsing—until Marriott caught his restless eye.

Archie had seen him the instant he entered the corridor. Marriott detected Archie's recognition, and he looked intently for some inkling of the meaning. The man, in the same instant, saw Archie, stopped, took his cigar from his lips, spat, and said in a peculiar, soft voice:

"Why, Archie, my boy."

This incident deepened Marriott's foreboding. A few moments later, as the bailiff was opening court, the man entered with a familiar and accustomed air, and Bentley got a chair and made him comfortable so that he might enjoy the trial.

"Who's that man?" Marriott whispered to Archie.

"That? That's old Jimmy Ball, the deputy warden at the pen."

"What do you suppose—"

"He's here to knock, that's what. He's here to rap ag'in me, the old—"

Archie applied his ugly epithet with an expression of intensest hatred, and glared at Ball. Now and then Archie repeated the epithet under his breath, trying each time to strengthen it with some new oath.

But Marriott just then had no time to learn the significance of this strange presence. Eades was calling a witness.

"Detective Quinn!"

Quinn came in after the usual delay, walking with the policeman's swagger even after years on the detective force. He came in with his heavy shoulders set well back, and his head held high, but his eyes had the fixed stare of self-consciousness. Taking the oath, he

ascended the witness-stand, leaned over, placed his hat against the side of the chair, and then, crossing one fat thigh over the other, held it in position with his hand. On his finger flashed a diamond, another diamond sparkled on his shirt-front.

"Pipe the rocks!" whispered Archie. "Know where he got 'em? Jane nicked a sucker and Quinn made her give 'em to him for not rapping."

Marriott impatiently waved Archie into silence; like all clients he was constantly leaning over at critical moments of the trial to say immaterial things, and, besides, his hot moist breath directly in Marriott's ear was very unpleasant.

Eades led Quinn through the preliminaries of his examination, and then in a tone that indicated an approach to significant parts of the testimony, he said:

"You may now state, Mr. Quinn, when you next saw the defendant."

Quinn threw back his head, fingered his close-cropped red mustache, and reflected as if he had not thought of the subject for a long time. He was conscious that he was thus far the most important witness of the trial. He relished the sensation, and, knowing how damaging his testimony would be, he felt a crude satisfaction. Presently he spoke, his voice vibrating like a guitar string in the tense atmosphere.

"The Friday morning before the Flanagan murder."

"Where did you meet him?"

"In Kentucky Street near Cherokee."

"Was he alone, or was some one with him?"

"Another man was with him."

"Who was that other man—if you know?"

"He was an old-timer; they call him Dad."

"What do you mean by an 'old-timer'?"

"An old-time thief—an ex-convict."

"Very well. Now tell the jury what you did—if anything."

"Well, I knowed Koerner was just back from the pen, and we got to talking."

"What did he say?"

"Oh, I don't just remember. We chewed the rag a little."

Eades scowled and hitched up his chair.

"Did he say anything about Kouka?"

"Hold on!" Marriott shouted. "We object! You know perfectly well you can't lead the witness."

"Well, don't get excited," said Eades, as if he never got excited himself; as he had not, indeed, in that instance, his lawyer's ruse having so well served its purpose. "I'll withdraw the question." He thought a moment and then asked:

"What further, if anything, was said?"

"Oh," said Quinn, who had understood. "Well, he asked me where Kouka was. You see he had it in for Kouka."

"No!" cried Marriott. "Not that."

"Just tell what he said about Kouka," Eades continued.

"I was trying to," said Quinn, as if hurt by Marriott's interruption. "Ever since Kouka sent him up for—"

"Now look here!" Marriott cried, "this has gone far enough. Mr. Eades knows—"

"Oh, proceed, gentlemen," said Glassford wearily,

as if he were far above any such petty differences, and the spectators laughed, relishing these little passages between the lawyers.

"Mr. Quinn," said Eades in a low, almost confidential tone, "confine yourself to the questions, please. Answer the last question."

Quinn, flashing surly and reproachful glances at Marriott, replied:

"Well, he asked about Kouka, where he was and all that, and he said, says he, 'I'm going to get him!'"

The jury was listening intently. Even Glassford cocked his head.

"I asked him what he meant, and he said he had it in for Kouka and was going to croak him."

Archie had been leaning forward, his eyes fixed in an incredulous stare, his face had turned red, then white, and now he said, almost audibly:

"Well, listen to that, will you!"

"Sh!" said Marriott.

Archie dropped back, and Marriott heard him muttering under his breath, marveling at Quinn's effrontery.

"Tell the jury what further, if anything, was said," Eades was saying.

"Nothing much," said Quinn; "that was about all."

"What did you do after that?"

"I placed him under arrest."

"Why?"

"Well, I didn't think it was safe for him to be around—feeling that way."

"If he ain't the limit!" Marriott heard Archie exclaim, and he began his whispered curses and objurgations again. In his excitement and impotent rage,

Marriott was exceedingly irritable, and again he commanded Archie to be still.

Eades paused in his examination, bit his lip, and winked rapidly as he thought. The atmosphere of the trial showed that a critical moment had come. Marriott, watching Eades out of the corner of his eye, had quietly, almost surreptitiously moved back from the table, and he sat now on the edge of the chair. The jurymen were glancing from Eades to Marriott, then at Quinn, with curious, puzzled expressions.

"Mr. Quinn," said Eades, looking up, "when did you next see Koerner—if at all?"

"On the next Tuesday after that."

"Where?"

"In the C. and M. railroad yards."

"Who was with you, if any one?"

"Detectives Kouka, and Officers Delaney and O'Brien, of the railroad, and Officers Flaherty, Nunnally, O'Toole and Finn—besides a lot of citizens. I don't—"

"That will suffice. And how came you—but first—" Eades interrupted himself. Marriott was still watching him narrowly, and Eades, it seemed, was postponing a question he feared to ask. "First, tell me—tell the jury—where Koerner was, and who, if anybody, was with him?"

"Well, sir, this here fellow they call Curly—Jackson's his name—he's a thief—a yegg man as they call 'em—he was with him; they was running and we was chasing 'em."

"And why were you chasing them?"

"We had orders."

"From whom?"

"Inspector McFee."

"What were those orders?"

"Well, sir, there had been a report of that Flanagan job—"

"Stop!" Marriott shouted. "We object."

"One moment, Mr. Quinn," said Eades, with an effect of quieting Marriott as much as of staying Quinn. Marriott had risen and was leaning over the table. Eades hesitated, realizing that the question on his lips would precipitate one of the great conflicts of the trial. He was in grave doubt of the propriety of this question; he had been considering it for weeks, not only in its legal but in its moral aspect. He had been unable to convince himself that Archie had been concerned in the murder of Margaret Flanagan; he had been uncertain of his ability to show premeditation in the killing of Kouka. He knew that he could not legally convict Archie of murdering the woman, and he knew he could not convict him of murdering the detective unless he took advantage of the feeling that had been aroused by the Flanagan tragedy. Furthermore, if he failed to convict Archie, the public would not understand, but would doubt and criticize him, and his reputation would suffer. And he hesitated, afraid of his case, afraid of himself. The moments were flying, a change even then was taking place, a subtle doubt was being instilled in the minds of the crowd, of the jurymen even. He hesitated another moment, and then to justify himself in his own mind, he said:

"Mr. Quinn, don't answer the question I am about to ask until the court tells you to do so." He paused, and then: "I'll ask you, Mr. Quinn, to tell the jury

when you first heard the report of the murder of Margaret Flanagan."

"Object!"

Marriott sprang to his feet, his eyes blazing, his figure tense with protest.

"I object! We might as well fight this thing out right here."

"What is your objection?" asked Glassford.

"Just this, your Honor," Marriott replied. "The question, if allowed, would involve another homicide, for which this defendant is not on trial. It is not competent at this stage of the case to show specifically or generally other offenses with which this defendant has been charged or of which he is suspected. It would be competent, if ever, only as showing reputation, and the reputation of the defendant has not yet been put in evidence. Further, if answered in its present form, the evidence would be hearsay."

Eades had been idly turning a lead-pencil end for end on the table, and now with a smile he slowly got to his feet.

"If the Court please," he began, "Mr. Marriott evidently does not understand; we are not seeking to show the defendant's reputation, or that he is charged with or suspected of any other crime. What we are trying to show is that these officers, Detective Quinn and the deceased, were merely performing a duty when they attempted to arrest Koerner, that they were acting under orders. What we offer to show is this: Margaret Flanagan had been murdered and the officers had reasonable grounds to believe that Koerner—"

"Now see here!" cried Marriott. "That isn't fair,

and you know it. You are trying to influence the jury, and I'm surprised that a lawyer of your ability and standing should resort to tactics so unprofessional—"

Eades colored and was about to reply, but Marriott would not yield.

"I say that such tactics are unworthy of counsel; they would be unworthy of the veriest pettifogger!"

Eades flushed angrily.

"Do you mean to charge—" he challenged.

"Gentlemen, gentlemen!" Glassford warned them. "Address yourselves to the Court."

Eades and Marriott exchanged angry and menacing glances. The jury looked on with a passivity that passed very well for gravity. At the risk of incurring the jurors' displeasure, Marriott asked that they be excused while the question was debated, and Glassford sent them from the room.

The legal argument began. Marriott had countless precedents to justify Glassford's ruling in his favor, just as Eades had countless precedents to justify Glassford's ruling in his favor, but to the spectators it all seemed useless, tedious and silly. A murder had been committed, they thought, and hence it was necessary that some one be killed; and there sat Archie Koerner —why wait and waste all this time? why not proceed at once to the tragic dénouement and decree his death?

Glassford, maintaining a gravity, and as if he were considering all the cases Marriott and Eades were citing, and weighing them nicely one against the other, listened to the arguments all day, gazing out of the window at the scene so familiar to him. Across the street, in an upper room of a house, was a window he had been interested in for months. A woman now and

then hovered near it, and Glassford had long been tantalized by his inability to see clearly what she was doing.

The next morning Glassford announced his decision. It was to the effect that the State would be permitted to show only that a felony had been committed, and that the officers had had grounds for believing that Archie had committed it; but as to details of that murder, or whether Archie had committed it, or who had committed it—that should all be excluded. This was looked upon as a victory for the defense, and, at Marriott's request, Glassford told the jurors that they were not to consider anything that had been said about the Flanagan murder or Archie's connection with it. All this, he told them, they were to dismiss from their minds and not to be influenced by it in the least. The jurymen paid Glassford an exaggerated, almost servile attention, and when he had done, several of them nodded. And all were glad that they were to hear nothing more of the Flanagan murder, for, during the long hours of their exclusion from the court-room, they had talked of nothing but the Flanagan murder, had recalled all of its details, and argued and disputed about it, until they had tired of it, and then had gone on to recall other murders that had been committed in the county, and finally, other murders of which they had heard and read.

Quinn, in telling again the story the jurors had heard so many times in court, and had read in the newspapers, frequently referred to the Flanagan murder, until Marriott wearied of the effort to prevent him. He knew that it was useless to cross-examine Quinn, useless to attempt to impress on the crystallized

minds of the jurymen the facts as they had occurred. The jurymen were not listening; they were looking at the ceiling, or leaning their heads on their hands, enduring the proceedings as patiently as they could, as patiently as Eades or Quinn or Glassford. And Marriott reflected on the inadequacy of every means of communication between human beings. How was he to make them understand? How was he to get them to assume, if for an instant only, his point of view? Here they were in a court of justice, an institution that had been evolved, by the pressure of economic and social forces, through slow, toiling ages; the witnesses were sworn to tell "the truth, the whole truth, and nothing but the truth," and yet, such was man's puerility and impotence, such was the imperfection of his means of conveying ideas, that the whole truth could not possibly be told—a thousand elements and incidents must be omitted; the moods, for instance, of Archie when he talked to Quinn or to Kouka, the expressions on their faces, the light in their eyes, indications far more potent than mere words, words that might be lightly, trivially, innocently spoken one day and under one set of circumstances, but which, on some other day and under other circumstances, would take on a terrible, blasting, tragic significance. Above all, that intangible thing, the atmosphere of the occasion—this could by no possibility be reproduced even though Quinn made every effort to be honest. And how much greater the impossibility when Quinn was willing to be disingenuous, to allow the prejudices and the passions of his hearers to reflect on his words their own sentiments, so that the hatred in the hearts of this crowd, this jury, these prosecutors, might seem to be

a hatred, instead, in Archie's breast! Realizing the impossibility, Marriott felt again the strong, occult influences that opposed him, and had scarcely the strength to cross-examine Quinn. And yet he must make the effort, and for two long hours he battled with Quinn, set his wits and his will against him, but it was all hopeless. For he was not opposing Quinn's mind alone, he was opposing the collective mind of this crowd behind him, and that larger crowd in the city outside.

"Anything further, Mr. Marriott?" asked Glassford.

Marriott had a momentary rage at this impersonation of the vengeful state sitting before him, and exclaimed with disgust:

"Oh, I guess not."

XVI

The instant Marriott entered the court-house the next morning he was sensible of a change; it was as palpable as the heavy, overheated atmosphere indoors after the cool air outdoors. He could not account for this change; he knew only that it had come in the night, and that it boded some calamity in the world. Already it seemed to have had its effect on the men he met, clerks, attachés, and loafers; they glanced at him stealthily, then averted their eyes quickly. Somehow they filled Marriott with loathing and disgust.

As he went up in the swiftly-ascending elevator, the old man who operated it gave him that same look, and then observed:

"Something's in the air to-day."

Yes, thought Marriott, something is in the air. But what?

"I reckon it's going to storm," the white-headed veteran of the great war went on. "My rheumatiz hurts like hell this morning."

What mysterious relation was it, wondered Marriott, that bound this old man through his joints—gnarled by the exposure of his service to his country so long before—to all nature, foretelling her convulsions and cataclysms? What mysterious relation was it that bound men's minds to the moral world, foretelling as well its catastrophies and tragedies?

"I reckon it's the January thaw," the old fellow jab-

bered on, his mind never rising above the mere physical manifestations of nature.

The crowd was denser than ever, and there in the front row, where she had been every day of the trial, was old Mrs. Koerner, with eyes that every day grew deeper and wider, as more and more tragedy was reflected in their profound and mysterious depths.

"Call Henry Griscom," said Eades.

The crowd, the jury, the lawyers, waited. Marriott wondered; he felt Archie's breath in his ear and heard his teeth chatter as he whispered:

"I knew old Jimmy Ball had something framed up. Great God!"

The crowd made way, and the tall, lank form of the deputy warden shambled into the court-room. A man was chained to him.

"Great God!" Archie was chattering; "he's going to split on me!"

The man whom Ball had just unshackled took the oath, and looked indecisively into Ball's eyes. Ball motioned with his cane, and with a slow mechanical step, the man walked to the witness-stand and perched himself uneasily on the edge of the chair.

Archie fixed his eyes on the man in a steady, intense blaze; Marriott heard him cursing horribly.

"The snitch!" he said finally, and then was silent, as if he had put his whole contempt into that one word.

The emaciated form of the man in the witness chair was clothed in the gray jacket and trousers of a convict of the first grade. The collar of his jacket stood out from a scrawny neck that had a nude, leathery, rugose appearance, like the neck of a buzzard. If he wore a shirt, it was not visible, either at his neck or at his

spindling wrists. As he hung his head and tried to shrink from the concentrated gaze of the crowd into his miserable garments, he suggested a skeleton, dressed up in ribald sport. It was not until Eades had spoken twice that the man raised his head, and then he raised it slowly, carefully, as if dreading to look men in the eyes. His shaven face was long and yellow; the skin at the points of his jaw, at his retreating chin and at his high cheek-bones was tightly stretched, and shone; he rolled his yellow eye-balls, and winked rapidly in the light of freedom to which he was so unaccustomed.

"Who is he?" Marriott whispered quickly.

"An old con.—a lifer," Archie explained. "One o' them false alarms. He's no good. They've promised to put him on the street for this."

But Eades had begun his examination.

"And where do you reside, Mr. Griscom?" Eades was asking in a respectful tone, just as if the man might be a resident of Claybourne Avenue.

"In the penitentiary."

"How long have you been there?"

"Seventeen years."

"And your sentence is for how long?" Eades continued.

The man's eyes drooped.

"Life." The word fell in a hollow silence.

"And do you know this man here—Archie Koerner?"

The convict, as if by an effort, raised his eyes to Archie, dropped them hastily and nodded.

"What do you say?" said Eades. "You must speak up."

"Yes, I know him."

"Where did you know him?"

"In the pen."

It was all clear now, the presence of Ball, the newspapers' promise of a sensation, the doom that had hung in the atmosphere that morning. Marriott watched the convict first with loathing, then with pity, as he realized the fact that when this man had spoken the one word "life"—he had meant "death"—a long, lingering death, drawn out through meaningless days and months and years, blank and barren, a waste in which this one incident, this railroad journey in chains, this temporary reassertion of personality, this brief distinction in the crowded court-room, this hour of change, of contact with free men, were circumstances to occupy his vacant mind during the remaining years of his misery, until his death should end and life once more come to him.

"And now, Mr. Griscom," Eades was saying with a respect that was a mockery, "tell the jury just what Koerner said to you about Detective Kouka."

The convict hesitated, his chin sank into the upright collar of his jacket, his eyes roved over the floor, he crossed, uncrossed and recrossed his legs, picked at his cap nervously.

"Just tell the jury," urged Eades.

The convict stiffly raised his bony hand to his blue lips to stifle the cough in which lay his only hope of release.

"I don't just—" He stopped.

The crowd strained forward. The jury glanced uneasily from Griscom to Eades, and back to Griscom again. And then there was a stir. Ball was sidling over from the clerk's desk to a chair Bentley wheeled for-

ward for him, and as he sank into it, he fixed his eyes on Griscom. The convict shifted uneasily, took down his hand, coughed loosely and swallowed painfully, his protuberant larynx rising and falling.

"Just give Koerner's exact words," urged Eades.

"Well, he said he had it in for Kouka, and was going to croak him when he got home."

"What did he mean by 'croak,' if you know?"

"Kill him. He said he was a dead shot—he'd learned it in the army."

"How many times did you talk with him?"

"Oh, lots of times—every time we got a chance. Sometimes in the bolt shop, sometimes in the hall when we had permits."

"What else, if anything, did he say about Kouka?"

"Oh, he said Kouka'd been laggin' him, and he was goin' to get him. He talked about it pretty much all the time."

"Is that all?"

"That's about all, yes, sir."

"Take the witness."

Griscom, evidently relieved, had started to leave the chair, and as he moved he drew his palm across a gray brow that suddenly broke out in repulsive little drops of perspiration.

"One moment, Griscom," said Marriott, "I'd like to ask you a few questions."

The court was very still, and every one hung with an interest equal to Marriott's on the convict's next words. Griscom found all this interest too strong; his pallid lips were parted; he drew his breath with difficulty, his chest was moving with automatic jerks; presently he coughed.

Marriott began to question the convict about his conversations with Archie. He did this in the belief that while Archie had no doubt breathed his vengeance against Kouka, his words, under the circumstances, were not to be given that dreadful significance which now they were made to assume. He could imagine that they had been uttered idly, and that they bore no real relation to his shooting of Kouka. But the difficulty was to make this clear to the crystallized, stupid and formal minds of the jury, or rather to Broadwell, who was the jury. He tried to induce Griscom to describe the circumstances under which Archie had made these threats, but Griscom was almost as stupid as the jurors, and the law was more stupid than either, for Griscom in his effort to meet the questions was continually making answers that involved his own conclusions, and to them Eades always objected, and Glassford always sustained the objections. And Marriott experienced the same sensations that he had when Quinn was testifying. There was no way to reproduce Archie's manner—his tone, his expression, the look in his eyes.

To hide his chagrin, Marriott wiped his mouth with his handkerchief, leaned over and consulted his notes.

"A life is a long time, isn't it, Griscom?" he resumed, gently now.

"Yes." Griscom's chin fell to his breast.

"And the penitentiary is not a good place to be?"

Griscom looked up with the first flash of real spirit he had displayed.

"I wouldn't send a dog there, Mr. Marriott!"

"No," said Marriott, "and you'd like to get out?"

"Sure."

"You've applied for a pardon?"

"Yes."

Marriott's heart was beating fast. At last he had a hope. He could hear the ticking of the big clock on the wall, he could catch the faint echoes of his voice against the high ceiling of the room whose acoustic properties were so poor, he could hear the very breathing of the crowd behind him.

"Mr. Griscom," said Marriott, wondering if that were the right question, longing for some inspiration that would be the one infallible test for this situation, "did you report to the authorities these remarks of Koerner's at the time he made them?"

Griscom hesitated.

"No, sir," he answered.

"Why not?"

"I didn't think it necessary."

"Why didn't you think it necessary?"

"Well—I didn't."

"Was it because you didn't think Archie was in earnest—because his words were not serious?"

"I didn't think it necessary."

Marriott wondered whether to press him further—he was on dangerous ground.

"To whom did you first mention them?"

"To the deputy warden."

"This man here?" Marriott waved his hand at Ball with a contempt he was not at all careful to conceal.

"Yes, sir."

"When was that?"

"Oh, about a month ago."

"After Kouka's death?"

"Yes."

"Griscom," said Marriott, risking his whole case on the words, and the silence in the room deepened until it throbbed like a profound pain, "when Ball came to tell you to testify as you have against Archie, he promised to get you a pardon, did he not?"

Eades was on his feet.

"There is no evidence here that Ball went to the witness," he cried. He was angry; his face was very red.

Marriott smiled.

"Let the witness answer," he said.

"The question is improper," said Glassford.

"Is it not a fact, Griscom, that Ball made you some promise to induce you to testify as you have?"

Griscom hesitated, his eyes were already wavering, and Marriott felt an irresistible impulse to follow them. Slowly the convict's glance turned toward Ball, sitting low in his chair, one leg hung over the other, a big foot dangling above the floor. His arm was thrust straight out before him, his hand grasped his cane, his attitude was apparently careless and indifferent, but the knuckles of the hand that held the cane were white, and his eyes, peering from their narrow slits, were fastened in a steady, compelling stare on Griscom. The convict looked an instant and then he said, still looking at Ball:

"No, it isn't."

The convict had a sudden fit of coughing. He fumbled frantically in the breast of his jacket, then clapped his hand to his mouth; his face was blue, his eyes were staring; presently between his fingers there trickled a thin bright stream of blood. Ball got up and tenderly helped the convict from the chair and the court-room. And Marriott knew that he had lost.

Yes, Marriott knew that he had lost and he felt himself sinking into the lethargy of despair. The atmosphere of the trial had become more inimical; he found it hard to contain himself, hard to maintain that air of unconcern a lawyer must constantly affect. He found it hard to look at Eades, who seemed suddenly to have a new buoyancy of voice and manner. In truth, Eades had been uncertain about Griscom, but now that the convict had given his testimony and all had gone well for Eades and his side, Eades was immensely relieved. He felt that the turning point in the great game had been passed. But it would not do to display any elation; he must take it all quite impersonally, and in every way conduct himself as a fearless, disinterested official, and not as a human being at all. Eades felt, of course, that this result was due to his own sagacity, his own skill as a lawyer, his generalship in marshaling his evidence; he felt the crowd behind him to be mere spectators, whose part it was to look on and applaud; he did not know that this result was attributable to those mysterious, transcendental impulses of the human passions, moving in an irresistible current, sweeping him along and the jury and the judge, and bearing Archie to his doom. But Eades was so encouraged that he decided to call another witness he had been uncertainly holding in reserve. He had had his doubts about this witness as he had had them about Griscom, but now these doubts were swept away by that same occult force.

"Swear Uri Marsh."

There was the usual wait, the stillness, the suspended curiosity, and then Bentley came in, leading an old man. This old man was cleanly shaven, his hair was

white, and he wore a new suit of ready-made clothes. The cheap and paltry garments seemed to shrink away from the wasted form they fitted so imperfectly, grudgingly lending themselves, as for this occasion only, to the purpose of restoring and disguising their disreputable wearer. Beneath them it was quite easy to detect the figure of dishonorable poverty that in another hour or another day would step out of them and resume its appropriate rags and tatters, to flutter on and lose itself in the squalid streets of the city where it would wander alone, abandoned by all, even by the police.

As Archie recognized this man, his face went white even to the lips. Marriott looked at him, but the only other sign of feeling Archie gave was in the swelling and tightening of the cords of his neck. He swallowed as if in pain, and seemed about to choke. Marriott spoke, but he did not hear. Strangely enough, it did not seem to Marriott to matter.

This witness, like Griscom, had been a convict, like Griscom he had known Archie in prison; he and Archie had been released the same day, and he had come back to town with Archie.

"What did he say?" the old man was repeating Eades's question; he always repeated each question before he answered it—"what did he say? Well, sir, he said, so he did, he said he was going to kill a detective here. That's what he said, sir. I wouldn't lie to you, no, sir, not me—I wouldn't lie—no, sir."

"That will do," said Eades. "Now tell us, Mr. Marsh, what, if anything, Koerner said to Detective Quinn in your presence?"

"What'd he say to Detective Quinn? What'd he

say to Detective Quinn? Well, sir," the old man paused and spat out his saliva, "he said the same thing."

"Just give his words."

"His words? Well, sir, he said he was going to kill that fellow—that detective—what's his name? You know his name."

The garrulous old fellow ran on. There was something ludicrous in it all; the crowd became suddenly merry; it seemed to feel such a gloating sense of triumph that it could afford amusement. The old man in the witness-chair enjoyed it immensely, he laughed too, and spat and laughed again.

It was with difficulty that Marriott and Eades and Glassford got him to recognize Marriott's right to cross-examine him, and when at last the idea pierced its way to his benumbed and aged mind, he hesitated, as the old do before a new impression, and then sank back in his chair. His face all at once became impassive, almost imbecile. And he utterly refused to answer any of Marriott's questions. Marriott put them to him again and again, in the same form and in different forms, but the old man sat there and stared at him blankly. Glassford took the witness in hand, finally threatened him with imprisonment for contempt.

"Now you answer or go to jail," said Glassford, with the most impressive sternness he could command.

Then Marriott said again:

"I asked you where you had been staying since you came to town and who provided for you?"

The old man looked at him an instant, a peculiar cunning stole gradually into his swimming eyes, and then slowly he lifted his right hand to his face. His

middle finger was missing, and thrusting the stump beneath his nose, he placed his index finger to his right eye, his third finger to his left, drew down the lower lids until their red linings were revealed, and then he wiggled his thumb and little finger.

The court-room burst into a roar, the laughter pealed and echoed in the high-ceiled room, even the jurymen, save Broadwell, permitted themselves wary smiles. The bailiff sprang up and pounded with his gavel, and Glassford, his face red with fury, shouted:

"Mr. Sheriff, take the witness to jail! And if this demonstration does not instantly cease, clear the court-room!"

The *contretemps* completed Marriott's sense of utter humiliation and defeat. As if it were not enough to be beaten, he now suffered the chagrin of having been made ridiculous. He was oblivious to everything but his own misery and discomfiture; he forgot even Archie. Bentley and a deputy were hustling the offending old man from the court-room, and he shambled between them loosely, grotesquely, presenting the miserable, demoralizing and pathetic spectacle that age always presents when it has dishonored itself.

As they were dragging the old man past Archie, his feet scuffling and dragging like those of a paralytic, Archie spoke:

"Why, Dad!" he said.

In his tone were all disappointment and reproach.

The incident was over, but try as they would, Glassford, Eades, Lamborn, Marriott, all the attachés and officials of the court could not restore to the tribunal its lost dignity. This awesome and imposing structure mankind has been ages in rearing, this institution men

had thought to make something more than themselves, at the grotesque gesture of one of its poorest, meanest, oldest and most miserable victims, had suddenly collapsed, disintegrated into its mere human entities. Unconsciously this aged imbecile had taken a supreme and mighty revenge on the institution that had bereft him of his reason and his life; it could not resist the shock; it must pause to reconstruct itself, to resume its lost prestige, and men were glad when Glassford, with what solemnity he could command, told the bailiff to adjourn court.

XVII

At six o'clock on the evening of the day the State rested, Marriott found himself once more at the jail. He passed the series of grated cells from which their inmates peered with the wistful look common to prisoners, and paused before Archie's door. He could see only the boy's muscular back bowed over the tiny table, slowly dipping chunks of bread into his pan of molasses, eating his supper silently and humbly. The figure was intensely pathetic to Marriott. He gazed a moment in the regret with which one gazes on the dead, struck down in an instant by some useless accident. "And yet," he thought, "it is not done, there is still hope. He must be saved!"

"Hello, Archie!" he said, forcing a cheerful tone.

Archie started, pushed back his chair, drew his hand across his mouth to wipe away the crumbs, and thrust it through the bars.

"Don't let me keep you from your supper," said Marriott.

Archie smiled a wan smile.

"That's all right," he said. "It isn't much of a supper, and I ain't exactly hungry."

Archie grasped the bars above his head and leaned his breast against the door.

"Well, what do you think of it, Mr. Marriott?"

"I don't know, Archie."

"Looks as if I was the fall guy all right."

Marriott bit his lip.

"We have to put in our evidence in the morning, you know."

"Yes."

"And we must decide whether you're going on the stand or not."

"I'll leave it to you, Mr. Marriott."

Marriott thought a moment.

"What do you think about it?" he asked presently.

"I don't know. You see, I've got a record."

"Yes, but they already know you've been in prison."

"Sure, but my taking the stand would make the rap harder. That fellow Eades would tear me to pieces."

Marriott was silent.

"And then that old hixer on the jury, that wise guy up there in the corner." Archie shook his head in despair. "Every time he pikes me off, I know he's ready to hand it all to me."

"You mean Broadwell?"

"Yes. He's one of those church-members. That's a bad sign, a bad sign." Archie shook his head sadly. "No, it's a kangaroo all right, they're going to job me." Archie hung his head. "Of course, Mr. Marriott, I know you've done your best. You're the only friend I got, and I wish—I wish there was some way for me to pay you. I can't promise you, like some of these guys, that I'll work and pay you when I get—" He looked up with a sadly humorous and appreciative smile. "Of course, I—"

"Don't, Archie!" said Marriott. "Don't talk that way. That part of it's all right. Cheer up, my boy, cheer up!" Marriott was trying so hard to cheer up himself. "We haven't played our hand yet; we'll give

'em a fight. There are higher courts, and there's always the governor."

Archie shook his head.

"Maybe you won't believe me, Mr. Marriott, but I'd rather go to the chair than take life down there. You don't know what that place is, Mr. Marriott."

"No," said Marriott, "but I can imagine."

Then he changed his tone.

"We've plenty of time to talk about all that," he went on. "Now we must talk about to-morrow. Look here, Archie. Why can't you go on the stand and tell your whole story—just as you've told it to me a hundred times? It convinced me the first time I heard it; maybe it would convince the jury. They'd see that you had cause to kill Kouka!"

"Cause!" exclaimed the boy. "Great God! After the way he hounded me—I should say so! Why, Mr. Marriott, he made me do it, he made me what I am. Don't you see that?"

"Of course I do. And why can't you tell them so?" Marriott was enthusiastic with his new hope.

"Oh, well," said Archie with no enthusiasm at all, "with you it's different. You look at things different; you can see things; you know there's some good in me, don't you?"

It was an appeal that touched Marriott, and yet he felt powerless to make the boy see how deeply it touched him.

"And then," Archie went on—he talked with an intense earnestness and he leaned so close that Marriott could smell the odor of coffee on his breath—"when I talk to you, I know somehow that—well—you believe me, and we're sitting down, just talking together with

no one else around. But there in that court-room, with all those people ready to tear my heart out and eat it, and the beak—Glassford, I mean—and the blokes in the box, and Eades ready to twist everything I say; well, what show have I got? You can see for yourself, Mr. Marriott."

Archie spread his hands wide to show the hopelessness of it all.

"Well, I think you'd better try, anyhow. Will you think it over?"

XVIII

Marriott heard the commotion as he entered the elevator the next morning, and as the cage ascended, the noise increased. He heard the click of heels, the scuff of damp soles on the marble, and then the growl of many men, angry, beside themselves, possessed by their lower natures. The chorus of rough voices had lost its human note and sunk to the ugly register of the brutish. Drawing nearer, he distinguished curses and desperate cries. And there in the half-light at the end of the long corridor, the crowd swayed this way and that, struggling, scrambling, fighting. Hats were knocked off and spun in the air; now and then an arm was lifted out of the mass; now and then a white fist was shaken above the huddle of heads. Two deputy sheriffs, Hersch and Cumrow, were flattened against the doors of the criminal court, their faces trickling with sweat, their waistcoats torn open; and they strained mightily. The crowd surged against them, threatening to press the breath out of their bodies. They paused, panting from their efforts, then tried again to force back the crowd, shouting:

"Get back there, damn you! Get back!"

Marriott slipped through a side door into the judge's chamber. The room was filled. Glassford, Eades, Lamborn, all the attachés of the court were there. Bentley, the sheriff, had flung up a window, and stood there fanning himself with his broad-brimmed hat, dis-

regarding exposure, his breath floating in vapor out of the window. On the low leather lounge where Glassford took his naps sat Archie close beside Danner. When he saw Marriott a wan smile came to his white face.

"They tried to get at me!" The phrase seemed sufficient to him to explain it all, and at the same time to express his own surprise and consternation in it all.

"They tried to get at me!" Archie repeated in another tone, expressing another meaning, another sensation, a wholly different thought. The boy's lips were drawn tightly across his teeth; he shook with fear.

"They tried to get at me!" he repeated, in yet another tone.

Old Doctor Bitner, the jail physician, had come with a tumbler half-full of whisky and water.

"Here, Archie," he said, "try a sip of this. You'll he all right in a minute."

"He's collapsed," the physician whispered to Marriott, as Archie snatched the glass and gulped down the whisky, making a wry face, and shuddering as if the stuff sickened him.

"I'm all in, Mr. Marriott," said Archie. "I've gone to pieces. I'm down and out. It's no use." He hung his head, as if ashamed of his weakness.

"Well, you know, my boy, that we must begin. It's up to us now. Can you take the stand?"

"No! No!" Archie shook his head with emphasis. "I can't! I can't! That fellow Eades would tear me to pieces!"

Marriott argued, expostulated, pleaded, but in vain. The boy only shook his head and said over and over, each time with a new access of terror:

"No, Eades would tear me to pieces."

"Come on, Gordon," called Glassford, who had finished his cigar, "we can't wait any longer."

The following morning, the defense having put in its evidence and rested, Lamborn began the opening argument for the State. It had long been Lamborn's ambition to make a speech that would last a whole day. He had made copious notes, and when he succeeded in speaking a full half-hour without referring to them, he was greatly encouraged. When he was compelled finally to succumb, and consult his notes, he began to review the evidence, that is, he repeated what the witnesses had already told. After that he began to fail noticeably in ideas and frequently glanced at the clock, but he thought of the statutes, and he read to the jury the laws defining murder in the first degree, murder in the second degree, and manslaughter, and then declaring that the crime Archie had committed was clearly murder in the first degree, he closed by urging the jury to find him guilty of this crime.

In the afternoon Pennell opened the arguments for the defense. Having won the oratorical contest at college, and having once been spoken of in print as the silver-tongued, Pennell pitched his voice in the highest key, and soon filled the court-room with a prodigious noise; he had not spoken fifteen minutes before he had lashed himself into a fury, and with each new, fresh burst of enthusiasm, he raised his hoarse voice higher and higher, until the throats of his hearers ached in sympathy. But at the end of two hours he ceased to wave his arms, no longer struck the bar of the jury-box with his fist, the strain died away, and he sank into

his chair, his hair disheveled, his brow and neck and wrists glistening with perspiration, utterly exhausted, but still wearing the oratorical scowl.

All this time Eades and Marriott were lying back in their chairs, in the attitudes of counsel who are reserving themselves for the great and telling efforts of the trial, that is, the closing arguments. When Marriott arose the next morning to begin his address, the silence was profound. He looked about him, at Glassford, at Eades, at the crowd, straining with curious, gleaming eyes. In the overflowing line of men within the bar on either side of the jury-box he recognized several lawyers; their faces were white against the wall; they seemed strange, unnatural, out of place. The jury were uneasy and glanced away, and though Broadwell lifted his small eyes to him, it was without response or sympathy. Marriott was chilled by the patent opposition. Then, somehow, he detected old man Reder stealing a glance at Archie; he kept his eye on Reder. What was Reder thinking of? "Thinking, I suppose," thought Marriott, "that this settles it, and that there is nothing to do now but to send Archie to the chair."

Reder, however, in that moment was really thinking of his boyhood in Germany, where his father had been a judge like Glassford; one day he had found among the papers on his father's desk the statement of a case. An old peasant had accidentally set fire to a forest on an estate and burned up wood to the value of forty marks, for this he was being tried. He felt sorry for the peasant and had begged his father to let him go. When he came home at night he asked his father—

Marriott made an effort, mastered himself; he thought of Archie, leaning forward eagerly, his eyes fixed on him with their last hope. He had a vision of Archie as he had seen him in the jail—he saw again the supple play of his muscles under the white skin of his breast, full of health, of strength, of life—kill him? It was monstrous! A passion swelled within him; he would speak for him, he would speak for old man Koerner, for Gusta, for all the voiceless, submerged poor in the world. . . . He began. . . . Some one was sobbing. . . . He glanced about. It was old Mrs. Koerner, in tears, the first she had shed during the trial. . . . Archie was looking at her. . . . He was making an effort, but tears were glistening in the corners of his eyes. . . .

It was over at last. He had done all he could. Men were crowding about him, congratulating him—Pennell, Bentley, his friends among the lawyers, Glassford, and, yes, even Eades.

"I never heard you do better, Gordon," said Eades.

Marriott thanked him. But then Eades could always be depended on to do the correct thing.

All that afternoon Archie sat there and listened to Eades denouncing him. When Marriott had finished his speech, Archie had felt a happiness and a hope—but now there was no hope. Eades was, indeed, tearing him to pieces. How long must he sit there and be game, and endure this thing? Would it never end? Could Eades speak on for ever and for ever and never cease his abuse and denunciation? Would it end with evening—if evening ever came? No; evening came, but Eades had not finished. Morning came, and Eades

spoke on and on. He was speaking some strange words; they sounded like the words the mission stiffs used; they must be out of the Bible. He noticed that Broadwell was very attentive.

"He'll soon be done now, Archie," whispered Marriott, giving him a little pat on the knee; "when they quote Scripture, that's a sign—"

Yes, he had finished; this was all; soon it would be over and he would know.

The jurymen were moving in their seats; but there was yet more to be done. The judge must deliver his charge, and the jurors settled down again to listen to Glassford with even greater respect than they had shown Eades.

During the closing sentences of Eades's speech Glassford had drawn some papers from a drawer and arranged them on his desk. These papers contained portions of charges he had made in other criminal cases. Glassford motioned to the bailiff, who bore him a glass of iced water, from which Glassford took a sip and set it before him, as if he would need it and find it useful in making his charge. Then he took off his gold eye-glasses, raised his eyebrows two or three times, drew out a large handkerchief and began polishing his glasses as if that were the most important business of his life. He breathed on the lenses, then polished them, then breathed again, and polished again.

Glassford had selected those portions of the charges he kept in stock, which assured the jury of the greatness of the English law, told how they must consider a man innocent until he had been proved guilty beyond a reasonable doubt, that they must not draw any conclusions unfavorable to the prisoner at the bar from

the fact that he had not taken the witness-stand, and so on. These instructions were written in long, involved sentences, composed as nearly as possible of words of Latin derivation. Glassford read them slowly, but so as to give the impression that it was an extemporaneous production.

The jurymen, though many of them did not know the meaning of the words Glassford used, thought they all sounded ominous and portentous, and seemed to suggest Archie's guilt very strongly. For half an hour Glassford read from his instructions, from the indictment and from the statutes, then suddenly recalling the fact that the public was greatly interested in this case, he began to talk of the heinousness of this form of crime and the sacredness of human life. In imagination he could already see the editorials that would be printed in the newspapers, praising him for his stand, and this, he reflected, would be beneficial to him in his campaign for renomination and reëlection. Finally he told the jurymen that they must not be affected by motives of sympathy or compassion or pity for the prisoner at the bar or his family, for they had nothing to do with the punishment that would be inflicted upon him. Then he read the various verdicts to them, casually mentioning the verdict of "not guilty" in the tone of an after-thought and as a contingency not likely to occur, and then told them, at last, that they could retire.

At five o'clock the jury stumbled out of the box and entered the little room to the left.

XIX

It was four o'clock in the morning, and the twelve men who were to decide Archie's fate were still huddled in the jury room. For eleven hours they had been there, balloting, arguing, disputing, quarreling, and then balloting again. Time after time young Menard had passed around his hat for the little scraps of paper, and always the result was the same, eleven for conviction, one for acquittal. For a while after the jury assembled there had been three votes for conviction of murder in the second degree, but long ago, as it seemed at that hour, these three votes had been won over for conviction of murder in the first degree, which meant death. At two o'clock Broadwell had declared that there was no use in wasting more time in voting, and for two hours no ballot had been taken. The electric lamps had glowed all night, filling the room with a fierce light, which, at this hour of the winter morning, had taken on an unnatural glare. The air was vitiated, and would have sickened one coming from outside, but these men, whose lungs had been gradually accustomed to it, were not aware how foul it was. Once or twice in the night some one had thrown up a window, but the older men had complained of the cold, and the window had to be closed down again. In that air hung the dead odor of tobacco smoke, for in the earlier hours of the night most of the men—all, indeed, save Broadwell—had smoked, some of them cigars,

some pipes. But now they were so steeped in bodily weariness and in physical discomfort and misery that none of them smoked any longer. On the big oaken table in the middle of the room Menard's hat lay tilted on its side, and all about lay the ballots. Ballots, too, strewed the floor and filled the cuspidors, little scraps of paper on which was scribbled for the most part the one word, "Guilty," the same word on all of them, though not always spelled the same. One man wrote it "Gildy," another "Gilty," still another "Gility." But among all those scattered scraps there was a series of ballots, the sight of which angered eleven of the men, and drove them to profanity; on this series of ballots was written "Not guilty." The words were written in an invariable, beautiful script, plainly the chirography of some German.

It was evident that in this barren room, with its table and twelve chairs, its high blank walls and lofty ceiling, a mighty conflict had been waged. But now at the mystic hour when the tide of human forces is at its farthest ebb, the men had become exhausted, and they sat about in dejected attitudes of lassitude and weariness, their brains and souls benumbed. Young Menard had drawn his chair up to the table and thrown his head forward on his arms. He was wholly spent, his brow was bathed with clammy perspiration, and a nausea had seized him. His mind was too tired to work longer, and he was only irritably conscious of some unpleasant interruption when any one spoke. The old men had suffered greatly from the confinement; the long night in that miserable little room, without comforts, had accentuated their various diseases, all the latent pains and aches of age had been

awakened, and now, at this low hour, they had lost the sense of time and place, the trial seemed far away in the past, there was no future, and they could but sit there and suffer dumbly. In one corner Osgood had tilted back a chair and fallen asleep. He sprawled there, his head fallen to one side, his wide-open mouth revealing his throat; his face was bathed in sweat, and he snored horribly.

In another corner sat Broadwell, his hands folded across his paunch. The flesh on his fat face had darkened, beneath his eyes were deep blue circles and he looked very old. He had been elected foreman, of course, and early in the evening had made long and solemn addresses to the jury, the same kind of addresses he delivered to his Bible-class—instructive, patronizing, every one of his arguments based on some hackneyed and obvious moral premise. Particularly was this the case, when, as had befallen early in the evening, they had discussed the death penalty. This subject roused him to a high degree of anger, and he raged about it, defended the practice of capital punishment, then, growing calm, spoke of it reverently and as if, indeed, it were a sacrament like baptism, or the Lord's Supper, quoting from the ninth chapter of Genesis. Old Reder had opposed him, and Broadwell had demanded of him to know what he would wish to have done to a man who killed his wife, for instance. Reder, quite insensible to the tribute implied in the suggestion that his action would furnish the standard for all action in such an emergency, had for a while maintained that he would not wish to have the man put to death, but Broadwell had insisted that he would, had

quoted the ninth chapter of Genesis again, shaken his head, puffed, and angrily turned away from Reder. One by one he had beaten down the wills of the other jurors. He was tenacious and stubborn, and he had conquered them all—all but old Reder, who paced the floor, his hands in the side pockets of his short jacket. His shaggy white brows were knit in a permanent scowl, and now and then he gathered portions of his gray beard into his mouth and chewed savagely. He was the one, of course, who had been voting for acquittal; his was the hand that had written in that Continental script those dissenting words, "Not guilty."

When this became known, the others had gathered round him, trying to beat him down, and finally, giving way to anger, had shaken their fists in his face, reviled him, and called him ugly names. But all the while he had shaken his head and shouted:

"No! no! no! no!"

For a while he had argued against Archie's guilt, then against the methods of the police, at last, had begged for mercy on the boy. But this last appeal only made them angry.

"Mercy!" they said. "Did he show that old woman any mercy?"

"He isn't being triedt for der old woman," said Reder. "Dot's what the chudge saidt."

"Well, then. Did he show Kouka any mercy?"

"Bah!" shouted Reder. "Did Kouka show him any?"

"But Kouka"—they insisted.

"Ach! To hell mit all o' you!" cried Reder, and began to stalk the floor.

"The Dutch dog!" said one.

"The stubborn brute!" grumbled another. "Keeping us all up here, and making us lose our sleep!"

"I tell you," said another, "the jury system ought to be changed, so's a majority would rule!"

"It's no use, it's no use," Reder said in a high petulant voice; "you only make me vorse; you only make me vorse!" He held his hands up and shook them loosely, his fingers vibrating with great rapidity.

Then it was still for a long while—but in the dark and empty court-room, where the bailiff slept on one of the seats, sharp, unnatural, cracking noises were heard now and then; and from it emanated the strange weird influence of the night and darkness. Through the window they looked on the court-house yard lying cold and white under the blaze of the electric lamps. The wind swept down the bleak deserted street. Once they heard a policeman's whistle. Osgood was snoring loudly.

"Great God!" shouted Duncan irritably. "Can't some of you make him stop that?"

Church got up and gave Osgood's chair a rude kick.

"Huh?" Osgood started up, staring about wildly. Then he came to his senses, looked around, understood, fell back and went to sleep again.

And Reder tramped up and down, and Broadwell sat and glared at him, and the others waited. Reder was thinking of that time of his boyhood in Germany when the old peasant had been tried for setting the wood afire. The whole scene had come back to him, and he found a fascination in recalling one by one every detail, until each stood out vividly and distinctly in his mind. He paced on, until, after a while, Broadwell spoke again.

"Mr. Reder," he said, "I don't see how you can assume the position you do."

"It's no use, I tol' you; no use!"

"But look here," Broadwell insisted, getting up and trying to stop Reder. He took him by the lapel of his coat, forced him to stand an instant, and when Reder yielded, and stood still, the other jurors looked up with some hope.

"Tell me why—"

"I don't *vant* to have him killedt, I tol' you."

"But it isn't killing; it isn't the same."

"Bah! Nonsense!" roared Reder.

"It's the law."

"I don't gare for der law. We say he don't die—he don't die den, ain't it?"

"But it's the *law!*" protested Broadwell, thinking to add new stress to his argument by placing new stress on the word. "How can we do otherwise?"

"How? Chust by saying not guildy, dot's how."

"But how can we do that?"

"Chust *do* it, dot's how!"

"But it's the *law*,—the *law!*"

"Damn der *law!*" roared Reder, resuming his walk. And Broadwell stood looking at him, in horror, as if he had blasphemed.

There was silence again, save for Osgood's snoring. Then suddenly, no one knew how, the argument broke out anew.

"How do we know?" some one was saying. It was Grey; his conviction was shaken again.

"Know?" said Church. "Don't we know?"

"How do we?"

"Well—I don't know, only—"

"Yes, only."

"You ain't going back on us now, I hope?"

"No, but—" Grey shook his head.

"Well, you heard what the judge said."

They could always appeal to what the judge had said, as if he spoke with some authority that was above all others.

"What'd he say?" asked Grey.

"Why—he said—what was that there word now?"

"What word?"

"That word he used—refer—no that wasn't it, let's see."

"Infer?" suggested Broadwell.

"Sure! That's it! Infer! He said infer."

"By God! I guess that's right! He did say that."

"Course," Church went on triumphantly. "Infer! He said infer, and that means we can infer it, don't it?"

Just at that minute a pain, sharp and piercing, shot through Reder's back. He winced, made a wry face, stopped, stooped to a senile posture and clapped his hand to his back. His heart suddenly sank—there it was again, his old trouble. That meant bad things for him; now, as likely as not, he'd be laid up all winter; probably he couldn't sit on the jury any more; surely not if that old trouble came back on him. And how would he and his old wife get through the winter? Instantly he forgot everything else. What time was it, he wondered? This being up all night; he could not stand that.

As from a distance he heard the argument going on. At first he felt no relation to it, but this question must be settled some way. The pain had ceased, but it would come back again. He straightened up slowly, gradually, with extreme care, his hand poised in readi-

ness to clap to his back again; he turned about by minute degrees and said:

"What's dot you saidt?"

"Why," began Church, but just then Reder winced again; clapped his hand to his back, doubled up, his face was contorted. He was evidently suffering tortures, but he made no outcry. Church sprang toward him.

"Get him some water,—here!"

Chisholm punched young Menard; he got up, and pushed the big white porcelain water pitcher across the table. But Reder waved it aside.

"Nefer mind," he said. "What was dot you vas sayin' a minute back?"

"Why, Mr. Reder, we said the judge said we could infer. Don't you remember?"

Church looked into his face hopefully, and waited.

Broadwell got slowly to his feet, and moved toward the little group deliberately, importantly, as if he alone could explain.

"Here, have my chair, Mr. Reder," said Broadwell with intense politeness.

"No, nefer mind," said Reder, afraid to move.

"What the judge said," Broadwell began, "was simply this. He said that if it was to be inferred from all the facts and circumstances adduced in evidence—"

"Besides," Church broke in, "that old woman said he *was* the fellow, down at the police station—it was in the paper, don't you remember?"

"Oh, but the judge said we wasn't to pay attention to anything like that," said Grey.

"Well, but he said we could infer, didn't he?"

"Just let me speak, please," insisted Broadwell. "His Honor went on to say—" he had just recalled

that that was the proper way to speak of a judge, and then, the next instant, he remembered that it was also proper to call the judge "the Court," and he was anxious to use both of these phrases. "That is, the *Court* said—" And he explained the meaning of the word "infer."

Reder was listening attentively, his head bent, his hand resting on his hip. Broadwell talked on, in his low insinuating tone. Reder made no reply. After a while, Broadwell, his eyes narrowing, said softly, gently:

"Gentlemen, shall we not try another ballot?"

Menard got up wearily, his hat in readiness again. The jurors began rummaging among the scraps for ballots.

A street-car was just scraping around the curve at the corner, its wheels sending out a shrill, grinding noise.

"Great heavens!" exclaimed McCann, taking out his watch, "it's five thirty! Morning! We've been here all night!"

Outside the city was still wrapped in a soft thick darkness. Eades was sleeping soundly; his mother, when she kissed him good night, had patted his head, saying, "My dear, brave boy." Marriott had just sunk into a troubled doze. Glassford was snoring loudly in his warm chamber; Koerner and his wife were kneeling on their bed, their hands clasped, saying a prayer in German, and over in the jail, Archie was standing with his face pressed against the cold bars of his cell, looking out across the corridor, watching for the first streak of dawn.

XX

Marriott awoke with a start when the summons came. The jury had agreed; his heart leaped into his throat. What was the verdict? He had a confused sense of the time, the world outside was dark; he could have slept but a few minutes, surely it was not much later than midnight. He switched on the electric light, and looked at his watch. It was half-past six—morning. He dressed hurriedly, and went out.

The clammy air smote him coldly. The day was just breaking, a yellow haze above the roofs toward the east. He hurried along the damp pavement, an eager lonely figure in the silent streets; the light spread gradually, creeping as it were through the heavy air; a fog rolled over the pavements and the world was cold and gray. An early street-car went clanging past, filled with working-men. These working-men were happy; they smoked their pipes and joked—Marriott could hear them, and he thought it strange that men could be happy anywhere in the world that morning. But these fancies were not to be indulged with the leisurely sense in which he usually philosophized on that life of which he was so conscious; for the court-house loomed huge and portentous in the dawn. And suddenly the light that was slowly suffusing the ether seemed to pause; there was a hesitation almost perceptible to the eye in the descent of morning on the world; it was, to Marriott's imagination, exactly

as if the sun had suddenly concluded to shine no longer on the just and the unjust alike, but would await the issue then yeaning beneath that brooding dome, and see whether men would do justice in the world. Somewhere, Marriott knew, in that gray and smoky pile, the fate was waiting, biding its time. What would it be?

He had remained at the court-house the night before with Pennell and Lamborn, several of the court officials and attachés, and a dwindling group of the morbid and the curious. An immediate agreement had been expected, allowing, of course, for the delay necessary to a preservation of the decencies, but as the hours dragged by, Marriott's hopes had risen; each moment increased the chance of an acquittal, of a disagreement, or of some verdict not so tragic as the one the State had striven for. His heart had grown lighter. But by midnight he was wholly exhausted. Intelligence, which knows no walls, had somehow stolen out from the jury room; there was some eccentricity in this mighty machine of man, and no immediate agreement was to be expected. And then Marriott had left, trusting Pennell to remain and represent the defendant at the announcement of the verdict. It was about the only duty he felt he could trust to Pennell. And now, hurrying into the court-house, his hopes rose once more.

Something after all of the effect of custom was apparent in the atmosphere of the court-room, where the tribunal was convened thus so much earlier than its wonted hour. The room was strange and unreal, haunted in this early morning gloom by the ghosts of the protagonists who had stalked through it. Glassford was already on the bench, his eyes swollen, his

cheeks puffed. Lamborn was there, in the same clothes he had worn the day before,—it was plain that he had not had them off at all. And there, already in the box, sat the jury, blear-eyed, unkempt, disheveled, demoralized, with traces yet of anger, hatred and the fury of their combat in their faces, a caricature of that majesty with which it is to be presumed this institution reaches the solemn conclusions of the law. And there, at the table, still strewn with the papers that were the débris of the conflict, sat Archie, the sorry subject over which men had been for days quarreling and haggling, harrying and worrying him like a hunted thing. He sat immobile, gazing through the eastern windows at the waiting and inscrutable dawn of a day swollen with such tragic possibilities for him.

Glassford looked sleepily at Marriott as he burst through the doors. His glance indicated relief; he was glad the conclusion had been reached at this early hour, even if it had haled him from his warm bed; he was glad to be able thus to trick the crowd and have the law discharge its solemn function before the crowd came to view it.

"Gentlemen of the jury," he said, "have you agreed upon a verdict?"

"We have, your Honor." Broadwell was rising in his place.

Glassford nodded to the clerk, who walked across the floor, his heels striking out sharp sounds. Marriott had paused at the little gate in the railing. He clutched at it, and supported himself in the weakness that suddenly overwhelmed him. It seemed to him that the clerk took a whole age in crossing that floor. He waited. Broadwell had handed the clerk a folded doc-

ument. The clerk took it and opened it; it fluttered in his fingers. Now he hastily cast his eye over it, and Marriott thought: "There still is hope—hope in each infinitesimal portion of a second as he reads it—" for he was reading now:

" 'We, the jury, impaneled and sworn well and truly to try and true deliverance make in the cause wherein the State is plaintiff and Archie Koerner is defendant, for verdict do find and say that we find the defendant—' " Marriott gasped. The clerk read on:

" '—guilty as charged in the indictment'."

"Gentlemen of the jury," said the clerk, folding the paper in his formal manner, "is this your verdict?"

"It is," said Broadwell.

"So say you all."

There was silence. After a while Marriott controlled himself and said:

"Your Honor, we demand a poll of the jury."

Slowly, one after another, the clerk called the names, and one after another the jurors rose.

"Is this your verdict?" asked the clerk.

"Perhaps," thought Marriott as each one rose, "perhaps even now, one will relent, one will change—one—"

"It is," each man answered.

Then Glassford was speaking again—the everlasting formalities, mocking the very sense of things, thanking the jury, congratulating them, discharging them.

And Archie Koerner sat there, never moving, looking through the eastern window—but now at the dawn no more, for the window was black to his eyes and the light had gone out of the world.

XXI

Archie sat by the trial table and looked out the window toward the east. The window from being black became gray again—gray clouds, a scumbled atmosphere of gray. When the jury came out of the box, after it was all over, a young clerk in the court-house rushed up to Menard and wrung his hand in enthusiastic, hysterical congratulation, as if Menard in the face of heavy opposition had done some brave and noble deed. And Archie wondered what he had ever done to this young clerk that he should so have it in for him. Then Marriott was at his side again, but he said nothing; he only took his hand.

"Well," thought Archie, "there is one man left in the world who hasn't got it in for me." And yet there actually seemed to be Danner. For Danner bent over and whispered:

"Whenever you're ready, Dutch, we'll go back. Of course—no particular hurry, but when you're ready."

Archie wondered what Danner was up to now; usually he ordered them about like brutes, with curses.

"You'll be wanting a bite of breakfast," Danner was saying.

Breakfast! The word was strange. Were people still eating breakfast in this world, just as if nothing had happened, just as if things were as they used to be—before—before—what? Before he shot Kouka? No, there was nothing unusual about that; he didn't

care anything about Kouka. Before the penitentiary and the bull rings? Before the first time in the workhouse, when that break, that lapse, came into his life? But breakfast—they would be carrying the little pans about in the jail just now, and that brought the odor of coffee to his memory. Coffee would not be a bad thing.

"Any time," he said to Danner.

Then they got up and walked away, through the gray morning.

In the jail, Danner instantly unlocked the handcuffs, and as he jostled Archie a little in opening the door, he said:

"Oh, excuse me, Dutch."

What had got into Danner, anyway? Inside he wondered more. Danner said:

"You needn't lock this morning; you can stay in the corridor, and I'll have your breakfast sent in to you in a moment."

Then Danner put up his big hand and whispered in Archie's ear:

"I'll see the cook and get her to sneak in a little cream and sugar for your coffee."

Archie could not understand this, nor had he then time to wonder about it, for he was being turned into the prison, and there, he knew, his companions were waiting to know the news. Most of them were in their cells. Two of them, the English thief and Mosey—he could tell it was Mosey by the striped sweater—were standing in the far end of the corridor, but they did not even look. He caught a snatch of their conversation.

"What was the rap, the dip?"

"No, pennyweightin'."

They appeared to be talking indifferently and were no more curious—so one would say—than they would have been if some dinge had been vagged. And yet Archie knew that every motion, every word, every gesture of his was important. He tried to walk just as he had always walked. They waited till Archie was at his cell door, and then some one called in a tone of suspense that could be withheld no longer:

"What's the word, Archie?"

"Touched off," he called, loud enough for them all to hear. He spoke the words carelessly, almost casually, with great nonchalance. There was silence, sinister and profound. Then gradually the conversation was resumed between cell and cell; they were all calling out to him, all straining to be cheerful and encouraging.

"That mouthpiece of yours 'll spring you yet," some one said, "down below."

Archie listened to their attempts to cheer him, all pathetic enough, until presently the English thief passed his door, and said in a low voice:

"Be gime, me boy."

That was it! Be game! From this on, that must be his ideal of conduct. He knew how they would inquire, how some day Mason and old Dillon, how Gibbs and all the guns and yeggs would ask about this, how the old gang would ask about it—he must be game. He had made, he thought, a fair beginning.

Danner brought the breakfast himself, and good as his word he had got the cook to put some cream and sugar in his coffee. Not only this, but the cook had boiled him two eggs—and he hadn't eaten eggs in

months. The last time, he recalled, was when Curly had boiled some in a can—had Curly, over in another part of the prison, been told?

Archie thanked Danner and told him to thank the cook. And yet a wonder possessed him. He had never known kindness in a prison before, save among the prisoners themselves, and often they were cruel and mean to each other—like the rats and mission-stiffs who were always snitching and having them chalked and stood out. Here in this jail, he had never beheld any kindness, for notwithstanding the fact that nearly every one there was detained for a trial which was to establish his guilt or innocence, and the law had a theory that every one was to be presumed innocent until proved guilty, the sheriff and the jailers treated them all as if they were guilty, and as if it was their duty to assist in the punishment. But here was a man who had been declared guilty of a heinous crime, and was to receive the worst punishment man could bestow, and yet, suddenly, he was receiving every kindness, almost the first he had ever known, at least since he had grown up. Having done all they could to hurry him out of the world, men suddenly apologized by showering him with attention while he remained.

When he ate his breakfast Archie felt better,—Mr. Marriott would do something, he was sure; it was not possible that this thing could happen to him.

"Any of youse got the makin's?" he called.

Instantly, all down the corridor on both sides, the cells' voices rang:

"Here! Here! Archie! Here, have mine!"

"Mr. Marriott gave me a whole box yesterday, but I smoked 'em all up in the night!" he said.

XXII

Those persons in the community who called themselves the good were gratified by Archie's conviction, and there were at once editorials and even sermons to express this gratification. Lorenzo Edwards of the *Courier,* who hated Marriott because he had borrowed ten dollars of Marriott some years before and had never paid it back, wrote an unctuous and hypocritical editorial in which he condemned Marriott for carrying the case up, and deprecated the law's delay. The *Post*—although Archie had not talked to a reporter—printed interviews with him, and as a final stroke of enterprise, engaged Doctor Tyler Tilson, the specialist, to examine Archie for stigmata of degeneracy. Tilson went to jail, taking with him tape and calipers and other instruments, and after measuring Archie and percussing him, and lighting matches before his eyes, and having him walk blindfolded, and pricking him with pins, wrote a profound article for the *Post* from the standpoint of criminology, in which he repeated many scientific phrases, and used the word "environment," many times, and concluded that Archie had the homicidal tendency strongly developed.

The Reverend Doctor Hole, who had his degree from a small college in Dakota, had taken lessons of an elocutionist, and advertised the sensational sermons in which he preached against those vices the refinements

and wealth of his own congregation did not tempt them to commit, spoke on "Crime"; even Modderwell referred to it with complacency.

In all of these expressions, of course, Eades was flattered, and this produced in him a sensation of the greatest comfort and justification. He felt repaid for all he had suffered in trying the case. But Marriott felt that an injustice had been done, and, such is the quality of injustice, that one suspicion of it may tincture every thought until the complexion of the world is changed and everything appears unjust. As Marriott read these editorials, the reports of these sermons, and the conclusions of a heartless science that had thumped Archie as if he were but a piece of rock for the geologist's hammer, he was filled with anger, and resolved that Archie should not be put to death until he had had the advantage of every technicality of the law. He determined to carry the case up at his own expense. Though he could not afford to do this, and was staggered when he ran over in his mind the cost of the transcript of evidence, the transcript of the record, the printing of the briefs, the railroad and hotel bills, and all that,—he felt it would be a satisfaction to see one poor man, at least, receive in the courts all that a rich man may demand.

Within the three days provided by law, Marriott filed his motion for a new trial and then he was content to wait, and let the proceedings drag along. But Eades insisted on an immediate hearing.

When Glassford had announced his decision denying a new trial, he hesitated a moment and then, with an effect of gathering himself for an ordeal, he dropped his judicial manner, called Eades and Marriott to the

bench, leaned over informally, whispered with them, and finally, as if justifying a decision he had just communicated to them, observed:

"We might as well do it now and have it over with."

Then he sent the sheriff for Archie, and the bailiff for a calendar.

There were few persons in the court-room besides the clerk and the bailiff, Marriott and Pennell, Eades and Lamborn. It was a bleak day; outside a mean wind that had been blowing for three days off the lake swept the streets bare of their refuse and swirled it everywhere in clouds of filth. The sky was gray, and the cold penetrated to the marrow; men hurried along with their heads huddled in the collars of their overcoats—if they had overcoats; they winced and screwed their faces in the stinging cold, longing for sunshine, for snow, for rain, for anything to break the monotony of this weather. Within the court-room the gloom was intensified by the doom that was about to be pronounced. While they waited, Eades and Lamborn sat at a table, uneasily moving now and then; Marriott walked up and down; no one spoke. Glassford was scowling over his calendar, pausing now and then, lifting his eyes and looking off, evidently making a calculation.

When Bentley and Danner came at last with Archie, and unshackled him, Glassford did not look up. He kept his head bowed over his docket; now and then he looked at his calendar, the leaves of which rattled and trembled as he turned them over. Then they waited, every one there, in silence. After a while, Glassford spoke. He spoke in a low voice, into which at first he did not succeed in putting much strength:

"Koerner, you may stand up."

Archie rose promptly, his heels clicked together, his hands dropped stiffly to his side; he held his head erect, as he came to the military attitude of attention. But Glassford did not look at him. He was gazing out of the window again toward that mysterious window across the street.

"Have you anything to say why the sentence of this court should not be passed upon you?" he asked presently.

"No, sir," said Archie. He was looking directly at Glassford, but Glassford did not look at him. Glassford waited, studying how he should begin. The reporters were poising their pencils nervously.

"Koerner," Glassford began, still looking away, "after a fair and impartial trial before a jury of twelve sworn men you have been found guilty of the crime of murder in the first degree. The trial was conducted carefully and deliberately; the jury was composed of honest and representative men, and you were defended, and all your rights conserved by able counsel. You have had the benefit of every immunity known to our law, and yet, after calm deliberation, as the court has said, you have been found guilty. We have, in addition to that, here to-day heard a motion for a new trial; we have very carefully reviewed the evidence and the law in this case, and the court is convinced that no errors were committed on the trial detrimental to your rights in the premises or prejudicial to your interests. It now becomes the duty of the court to pass sentence upon you."

Glassford paused, removed his glasses, put them on again, and looked out of the window as before.

"Fortunately—I say fortunately, for so I feel about it"—he nodded—"fortunately for me, I have no discretion as to what your punishment shall be. The law has fixed that; it leaves nothing to me but to announce its determination. My duty is clear; in a measure, simple."

Glassford paused again, sighed faintly, and settled in his chair with some relief, as if he had succeeded in detaching himself personally from the situation, and remained now only in his representative judicial capacity.

"Still," he went on, speaking in an apologetic tone that betokened a lingering of his personal identity, "that duty, while clear, is none the less painful. I would that it had not fallen to my lot." He paused again, still looking away. "It is a sad and melancholy spectacle—a young man of your strength and native ability, with your opportunities for living a good and useful life, standing here to hear the extreme penalty of the law pronounced upon you. You might have been an honorable, upright man; you seem, so far as I am able to ascertain, to have come from a good home, and to have had honest, frugal, industrious parents. You have had the opportunity of serving your country, you have had the benefit of the training and discipline of the regular army. You might have put to some good use the lessons you learned in those places. And yet, you seem to have wilfully abandoned yourself to a life of crime. You have shown an utter disregard for the sacred right of property; you have been ready to steal, to live on the usufruct of the labor of others; and now, as is inevitable"—Glassford shook his head emphatically as he pronounced the word "in-

evitable"—"you have gone on until nothing is sacred in your eyes—not even human life itself."

Glassford, who found it easy to talk in this moral strain, especially when reporters were present to take down his words, went on repeating phrases he employed on the occasions when he pronounced sentence, until, as it seemed to him, having worked himself up to the proper pitch, he said, with one last tone of regret:

"It is a painful duty," and then feeling there was no way out of the duty, unless he resigned his position, which, of course, was out of the question, he straightened in his seat, turned, looked up at the ceiling and said, speaking more rapidly, "and yet I can not shirk a duty because it is disagreeable."

He clasped the desk before him tightly with his hands; his lips were pale. Then he said:

"The sentence of the court is that you be taken by the sheriff to the penitentiary, and there delivered over into the custody of the warden of the said penitentiary, by him to be guarded and safely kept until the fourteenth day of May next ensuing, on which day the said warden of the said penitentiary shall cause a current of electricity to be passed through your body, and to cause the said current to continue to be passed through your body—until you are dead."

Glassford paused; no one in the court-room moved. Archie still kept his eyes on Glassford, and Glassford kept his eyes on the wall. Glassford had remembered that in olden days the judge, when he donned the black cap, at some such time as this used to pray that God would have mercy on the soul of the man for whom he himself could find no mercy; but Glassford did not

like to say this; it seemed too old-fashioned and he would have felt silly and self-conscious in it. And yet, he felt that the proprieties demanded that something be said in the tone of piety, and, thinking a moment, he added:

"And I hope, Koerner, that you will employ the few remaining days of life left to you in preparing your soul to meet its Maker."

With an air of relief, Glassford turned, and wrote in his docket. On his broad, shining forehead drops of perspiration were glistening.

"The prisoner will be remanded," he said.

Archie faced about and held out his left wrist toward Danner. The handcuffs clicked, Marriott turned, glanced at Archie, but he could not bear to look in his white face. Then he heard Danner's feet and Archie's feet falling in unison as they passed out of the courtroom.

XXIII

Danny Gibbs, having recovered from the debauch into which Archie's fate had plunged him, sat in his back room reading the evening paper. His spree had lasted for a week, and the whole tenderloin had seethed with the excitement of his escapades. Now that it was all over and reason had returned, he had made new resolutions, and a certain moral rehabilitation was expressed in his solemn demeanor and in the utter neatness of his attire. He was clean-shaven, his skin glowed pink from Turkish baths, his gray hair was closely trimmed and soberly parted, his linen was scrupulously clean; he wore new clothes of gray, his shoes were polished and without a fleck of dust. His meditations that evening might have been profoundly pious, or they might have been dim, foggy recollections of the satisfaction he had felt in heaping scathing curses on the head of Quinn, whom he had met in Eva Clason's while on his rampage. He had cursed the detective as a representative of the entire race of policemen, whom he hated, and Quinn had apparently taken it in this impersonal sense, for he had stood quietly by without resenting Gibbs's profane denunciation. But whatever Gibbs's meditations, they were broken by the entrance of a woman.

She was dressed just as she had always been in the long years Gibbs had known her, soberly and in taste;

she wore a dark tailor suit, the jacket of which disclosed at her full bosom a fresh white waist. She was gloved and carried a small hand-bag; the bow of black ribbon on her hat trembled with her agitation; she was not tall, but she was heavy, with the tendency to the corpulence of middle years. Her reddish hair was touched with gray here and there, and, as Gibbs looked at her, he could see in her flushed face traces of the beauty that had been the fatal fortune of the girlhood of Jane the Gun.

"Howdy, Dan," she said, holding out her gloved hand.

"Hello, Jane," he said. "When'd you come?"

"I got in last night," she said, laying her hand-bag on the table. "Give me a little whisky, Dan." She tugged at her gloves, which came from her moist hands reluctantly. Gibbs was looking at her hands,—they were as white, as soft and as beautiful as they had ever been. One thing in the world, he reflected in the saddened philosophy that had come to him with sobriety, had held unchanged, anyway.

"I said a little whisky, Dan!" she spoke with some of her old imperiousness.

"No," he said resolutely, "you don't need any. There's nothing in it." He was speaking out of his moral rehabilitation. She glanced at him angrily; he saw that her brown eyes, the brown eyes that went with her reddish hair and her warm complexion, were flaming and almost red. He remembered to have seen them flame that dangerous red before. Still, it would be best to mollify her.

"There ain't any more whisky in town," he said. "I've drunk it all up."

She laughed as the second glove came off with a final jerk.

"I heard you'd been hitting the pots. Isn't it a shame! The poor kid! I heard it's a kangaroo."

Gibbs made no comment.

"He was a raw one, too, wasn't he?"

"Well, he's a young Dutchman—he filled in with the mob several moons back."

"What was the rap?"

"He boosted a rod, and they settled him for that; he got a stretch. Then he was in when they knocked off the peter in that P. O. down in Indiana."

"That's what I couldn't get hip to; Mason wasn't—"

"No, not that time; they had him wrong; but you know what them elbows are."

"They must have rapped hard."

"Yes, they gave them a five spot. But the Dutch wasn't in on that Flanagan job, neither was Curly. That was rough work—the cat, I s'pose."

Jane, her chin in her hands, suddenly became intent, looking straight into Gibbs's eyes.

"Dan, that's what I want to get wise to."

Her cheeks flamed to her white temples, her breast rose tumultuously, and as she looked at Gibbs her eyes contracted, the wrinkles about them became deeper and older, and they wore the hard ugly look of jealous suspicion. But presently her lip quivered, then slowly along the lower lashes of her eyes the tears gathered.

"What's the matter, Jane?"

"You don't know what I've stood for that man!" she blazed out. "I could settle him. I could send him to the stir. I could have him touched off!" She had clenched her fist, and, at these last words, with their

horrible possibility, she smote it down on the table. "But he knew I wouldn't be a copper!" She ended with this, and fumbling among a woman's trinkets in her hand-bag, she snatched out a handkerchief and hastily brushed away the tears. Gibbs, appealed to in all sorts of exigencies, was at a loss when a woman wept. She shook with weeping, until her hatred was lost in the pity she felt for herself.

"I never said a word when you flew me the kite to keep under cover that time he plugged Moon."

"No, you were good then."

"Yes," she said, looking up for approval, "I was, wasn't I? But this time—I won't stand for it!"

"I'm out o' this," said Gibbs.

"Well," she went on, "his mouthpiece wrote me not to show here. But I was on at once. Curly knew I was hip from the start"—her anger was rising again. "It was all framed up; he got that mouthpiece to hand me that bull con, and he's even got McFee to—"

"McFee!" said Gibbs, starting at the name of the inspector. "McFee! Have you been to him?"

"Yes, I've been to him!" she said, repeating his words with a satirical curl of the lip. "I've been to him; the mouthpiece sent me word to lay low till he sprung him; Curly sent me word that McFee said I wasn't to come to this town. Think I couldn't see through all that? I was wise in a minute and I just come, that's what I did, right away. I did the grand over here."

"What was it you thought they had framed up?" asked Gibbs innocently. "I can't follow you."

"Aw, now, Dan," she said, drawing away from the table with a sneer, "don't you try to whip-saw me."

"No, on the dead!"

"What was it? Why, some moll, of course; some tommy."

Gibbs leaned back and laughed; he laughed because he saw that this was simply woman's jealousy.

"Look here, Jane," he said, "you know I don't like to referee these domestic scraps—I know I'll be the fall guy if I do—but you're wrong, that's all; you've got it wrong."

She looked at him, intently trying to prove his sincerity, and anxious to be convinced that her suspicions were unfounded, and yet by habit and by her long life of crime she was so suspicious and so distrustful—like all thieves, she thought there were no honest people in the world—that her suspicions soon gained their usual mastery over her, and she broke out:

"You know I'm not wrong. I went to see McFee."

"What did he say?" asked Gibbs, with the interest in anything this lord that stood between him and the upper world might say.

"Why, he said he wouldn't say nothing."

"Did he say you could stay?"

"Well," she hesitated an instant, "he said he didn't want me doing any work in town; he said he wouldn't stand for it."

"No, you mustn't do any work here." Gibbs spoke now with his own authority, reinforcing that of the detective.

"Oh, sin not leery!" she sneered at him. "I'm covered all right, and strong. You're missing the number, that's all. I'm going to camp here, and when I see her I'll clout her on the kurb; I'll slam a rod to her mat, if I croak for it!"

"Jane," said Gibbs, when he had looked his stupefaction at her, "you've certainly gone off your nut. Who in hell's this woman you're talking about?"

"As if you don't know! What do you want to string me for?"

Gibbs looked at her with a perfectly blank face.

"All right, have it your way."

"Well," she said presently, with some doubt in her mind, "if you don't know and just to prove to you that I *do* know, it's the sister of that young Koerner!"

Gibbs looked at her a long time in a kind of silent contempt. Then he said in a tone that dismissed the subject as an absurdity:

"You've passed; the nut college for you."

Jane fingered the metal snake that made the handle of her bag; now and then she sighed, and after a while she was forced to speak—the silence oppressed her:

"Well, I'll stay and see, anyway."

"Jane, you're bug house," said Gibbs quietly.

Somehow, at the words, she bowed her head on her hands and wept; the black ribbon on her hat shook with her sobbing.

"Oh, Dan, I am bug house," she sobbed; "that's what I've been leery of. I haven't slept for a month; I've laid awake night after night; for four days now I've been going down the line—hunting her everywhere, and I can't find her!"

She gave way utterly and cried. And Gibbs waited with a certain aspect of stolid patience, but in reality with a distrust of himself; he was a sentimental man, who was moved by any suffering that revealed itself to him concretely, or any grief or hardship that lay be-

fore his own eyes, though he lacked the cultured imagination that could reveal the sorrows and the suffering that are hidden in the world beyond immediate vision. But she ceased her weeping as suddenly as she had begun it.

"Dan," she said, looking up, "you don't know what I've done for that man. I was getting along all right when I doubled with him; I was doing well—copping the cush right along. I was working under protection in Chi.; I gave it all up for him—"

She broke off suddenly and exclaimed irrelevantly: "The tommy buster!"

Gibbs started.

"No," he protested, "not Curly!"

"Sure!" she sneered, turning away in disgust of his doubt.

"What made you stand for it?"

"Well," she temporized, forced to be just, "it was only once. I had rousted a goose for his poke—all alone too—" She spoke with the pride she had always had in her dexterity, and Gibbs suddenly recalled the fact that she had been the first person in all their traditions who could take a pocketbook from a man, "weed" and replace it without his being aware; the remembrance pleased him and his eyes lighted up.

"What's the matter?" she demanded suddenly.

"I was thinking of the time you turned the old trick, and at the come-back, when the bulls found the sucker's leather on him with the put-back, they booted him down the street; remember?"

Jane looked modest and smiled, but she was too full of her troubles now for compliments, though she had a woman's love for them.

"I saw the sucker was fanning and I—well, Curly comes up just then and he goes off his nut and he—gives me a beating—in the street."

She saw that the circumstances altered the case in Gibbs's eyes, and she rather repented having told.

"He said he didn't want me working; he said he could support me."

Gibbs plainly thought well of Curly's wish to be the sole head and support of his nomadic family, but he recognized certain disadvantages in Curly's attitude when he said:

"You could get more than he could."

"Course, that's what I told him, but he said no, he wouldn't let me, and, Dan, you know what I did? Why, I helped him; he used to bust tags on the rattlers, and he hoisted express-wagons—I knew where to dispose of the stuff—furs and that sort, and we did do pretty well. I used to fill out for him, and then I'd go with him to the plant at night and wait with the drag holding the horses—God! I've sat out in the jungle when it was freezing, sat out for hours; sometimes the plant had been sprung by the bulls or the hoosiers; it made no difference—that's how I spent my nights for two winters. I know every road and every field and every fence corner around that town. It gave me the rheumatism, and I hurt my back helping him load the swag. You see he didn't have a gager and didn't have to bit up with any one, but he never appreciated that! And now he's lammed, he's pigged, that's what he's done; he's thrown me down—but you bet I'll have my hunk!"

"That won't get you anything," Gibbs argued. "Anyway," he added, as if he had suddenly discov-

ered a solution, "why don't you go back on the gun now?"

She was silent a moment, and, as she sat there, the tears that were constantly filling her eyes welled up again, and she said, though reluctantly and with a kind of self-consciousness:

"I don't want to, Dan. I'm getting old. To tell the truth, since I've been out of it, I'm sick of the business—I—I've got a notion to square it."

Gibbs was so used to this talk of reform that it passed him idly by, and he only laughed. She leaned her cheek against her hand; with the other hand she twisted and untwisted the metal snake. Presently she sighed unconsciously.

"What are you going to do now?" Gibbs asked presently.

"I'm going to stay here in town till I see this woman."

"But you can't do any work here."

"I don't want to do any work, I tell you."

"How'll you live?"

"Live!" she said scornfully. "I don't care how; I don't care if I have to carry the banner—I'll get a bowl of sky-blue once in a while—and I'll wash dishes—anything!" She struck the table, and Gibbs's eyes fastened on her white, plump little fist as it lay there; then he laughed, thinking of it in a dish-pan, where it had never been.

"Well, I'll do it!" she persisted, reading his thought and hastily withdrawing the fist. "I'm going to get him!" She looked at Gibbs for emphasis.

"Jane," he said quietly, "you want to cut that out. This is no place for you now—this town's getting on

the bum; they've put it to the bad. It's time to rip it. This rapper—"

"Oh, yes, I've heard—what's this his name is now?"

"Eades."

"What kind is he?"

"Oh, he's a swell lobster."

"They tell me he's strong."

"He's the limit."

Her eyes lighted up suddenly and she sat upright.

"Then I'll go see him!"

"Jane!" Gibbs exclaimed with as much feeling as he ever showed. He saw by the flashes of her eyes that her mind was working rapidly, though he could not follow the quick and surprising turns her intentions would take. He had a sudden vision, however, of her sitting in Eades's office, talking to him, passing herself off, doubtless, for the respectable and devoted wife of Jackson; he knew how easily she could impose on Eades; he knew how Eades would be impressed by a woman who wore the good clothes Jane knew how to wear so well, and he felt, too, that in his utter ignorance of the world from which Jane came, in his utter ignorance of life in general, Eades would believe anything she told him; and becoming thus prejudiced in the very beginning, make untold work for him to do in order to save his friend.

"Jane," he said severely, "you let him alone; you hear?"

She had risen and was drawing on her gloves. She stood there an instant, smiling as if her new notion pleased her, while she pressed down the fingers of her glove on her left hand. Then she said pleasantly:

"Good-by, Dan. Give my love to Kate."

And she turned and was gone.

XXIV

Elizabeth had heard her father enter and she imagined him sitting in the library, musing by the fire, finding a tired man's comfort in that quiet little hour before dinner. Sensitive as ever to atmospheres, Elizabeth felt the coziness of the hour, and looked forward to dinner with pleasure. For days she had been under the gloom of Archie's conviction; she had never followed a murder case before, but she had special reason for an interest in this. She had helped Marriott all she could by wishing for his success; she had felt his failure as a blow, and this, with the thought of Gusta, had caused her inexpressible depression. But by an effort she had put these thoughts from her mind, and now in her youth, her health, her wholesomeness, the effect of so much sorrow and despair was leaving her. She had finished her toilet, which, answering her mood, was bright that evening, when she heard Dick enter. Half the time of late he had not come home at all, sometimes days went by without her seeing him. She glanced at the little watch on her dressing-table; it was not yet six and Dick was home in time for dinner; perhaps he would spend the evening at home. She hoped he had not come to dress for some engagement that would take him away. Her father, she knew, would be happy in the thought of the boy's spending an evening with him; almost pathetic in his

happiness. Of late, more and more, as she noted, the father had yearned toward the son; the lightest word, a look, a smile from Dick was sufficient to make him glow with pleasure. It made Elizabeth sad to see it, and it made her angry to see how her mother fondled and caressed him, excusing him for, if not abetting him in, all his excesses. But these thoughts were interrupted just then by Dick's voice. He was in the hall outside, and he spoke her name:

"Bess!"

The tone of the voice struck her oddly. He had pushed open the door and hesitated on the threshold, peering in cautiously. Then he entered and carefully closed the door behind him. She scented the odor of Scotch whisky, of cigarettes, in short, the odor of the club man. His face, which she had thought ruddy with the health, the exuberance, the inexhaustible vitality of youth, she saw now to be really unhealthy, its ruddy tints but the flush of his dissipations. Now, his face went white suddenly, as if a mask had been snatched from it; she saw the weakness and sensuousness that marred it.

"Dick!" she said, for some reason speaking in a whisper. "What's the matter? Tell me!"

At first a great fear came to her, a fear that he was intoxicated. She knew by intuition that Dick must frequently have been intoxicated; but she had never seen him so, and she dreaded it; she could have borne anything better than that, she felt. He sank on to the edge of her bed and sat there, rocking miserably to and fro, his overcoat bundled about him, his hat toppling on the side of his head, a figure of utter demoralization.

"Dick!" she said, going to him, "what is it? Tell me!"

She took him by the shoulders and gave him a little shake. He continued to rock back and forth and to moan.

"Oh, my God!" he said presently. "What am I going to do!"

Elizabeth gathered herself for one of those ordeals which, in all families, there is one stronger than the rest to meet and deal with.

"Here, sit up." She shook him. "Sit up and tell me what ails you." The fear that he was intoxicated had left her, and there was relief in this. "And take off your hat." She seized the hat from his head and laid it on the little mahogany stand beside her bed. "If you knew how ridiculous you look!"

He sat up at this and weakly began drawing off his gloves. When he had them off, he drew them through his hand, slapped them in his palm, and then with a weary sigh, said:

"Well, I'm ruined!"

"Oh, don't be dramatic!" She was herself now. "Tell me what scrape you're in, and we'll see how to get you out of it." She was quite composed. She drew up a chair for him and one for herself. Some silly escapade, no doubt, she thought, which in his weakness he was half glad to make the most of. He had removed his overcoat and taken the chair she had placed for him. Then he raised his face, and when she saw the expression, she felt the blood leave her cheeks; she knew that the trouble was real. She struggled an instant against a sickness that assailed her, and then, calming herself, prepared to meet it.

"Well?" she said.

"Bess," he began fearfully, and his head dropped again. "Bess"—his voice was very strange—"it's—the—bank."

She shivered as if a dead cold blast had struck her. In the moment before there had swept through her mind a thousand possibilities, but never this one. She closed her eyes. There was a sharp pain in her heart, exactly as if she had suddenly crushed a finger.

"The bank!" she exclaimed in a whisper. "Oh, Dick!"

He hung his head and began to moan again, and to rock back and forth, and then suddenly he leaned over, seized his head in his two hands and began to weep violently, like a child. Strangely enough, to her own surprise, she found herself calmly and coolly watching him. She could see the convulsive movements of his back as he sobbed; she could see his fingers viciously tearing at the roots of his hair. She sat and watched him; how long she did not know. Then she said:

"Don't cry, Dick; they'll hear you down-stairs."

He made an effort to control himself, and Elizabeth suddenly remembered that he had told her nothing at all.

"What do you mean," she asked, "by the bank?"

"I mean," he said without uncovering his face, and his hands muffled his words, "that I'm—into it."

Ah, yes! This was the dim, unposited thought, the numb, aching dread, the half-formed, unnamed, unadmitted fear that had lurked beneath the thought of all these months—underneath the father's thought and hers; this was what they had meant when they exchanged glances, when now and then with dread they

approached the subject in obscure, mystic words, meaningless of themselves, yet pregnant with a dreadful and terrible import. And now—it had come!

"How much?" she forced herself to ask.

He nodded.

"It's big. Several—"

"What?"

"Hundreds."

"Hundreds?"

He hesitated, and then,

"Thousands," he said, tearing the word from him.

"How many thousands?" she asked, when she could find the courage.

Again he cowered before the truth. She grew impatient.

"Tell me!" she commanded. "Don't be a coward." He winced. "Sit up and face this thing and tell me. How many thousands have you stolen?"

She said it in a hard, cold voice. He suddenly looked up, his eyes flashed an instant. He saw his sister sitting there, her hands held calmly in her lap, her head inclined a little, her chin thrust out, her lips tightly compressed, and he could not meet her; he collapsed again, and she heard him say pitifully, "Don't use that word." Then he began to weep, and as he sobbed, he repeated:

"Oh, they'll send me to the penitentiary—the penitentiary—the penitentiary!"

The word struck Elizabeth; her gray eyes began to fill.

"How much, Dick?" she asked gently.

"Five—a—"

"More?"

He nodded.

"How much more?"

"Twice as much."

"Ten, then?"

He said nothing; he ceased sobbing. Then suddenly he looked up and met her glance.

"Bess," he said, "it's twenty-three thousand!"

She stared at him until her tears had dried. In the silence she could hear her little watch ticking away on the dressing-table. The lights in the room blazed with a fierce glare.

"Does Mr. Hunter know?"

"Yes."

"When did he find out?"

"This morning. He called me in this afternoon."

"Does any one else know?"

"Yes."

"Who?"

Dick hung his head and began to fumble his watch-chain.

"Who, Dick?"

"One other man."

"Who? Tell me."

"Eades."

She closed her eyes and leaned back; she dropped her arms to her sides and clutched her chair for support. For a long while they did not speak. It was Dick at last who spoke. He seemed to have regained his faculties and his command.

"Bess," he said, "Eades will have no mercy on me. You know that."

She admitted it with a slow nod of her head, her eyes still closed.

"Something must be done. Father—he must be told. Will—will you tell him?"

She sat a moment—it seemed a long moment—without moving, without opening her eyes; and Dick sat there and watched her. Some of the color had come to his face. His eyes were contracting; his face was lined with new scheming.

"Will you tell him, Bess?"

She moved, opened her eyes slowly, wearily, and sighed:

"Yes."

She got up.

"You're not going to tell him now?"

He stretched out a hand as if to detain her.

"Yes, now. Why not?" She rose with difficulty, paused, swayed a little and then went toward the door. Dick watched her without a word. His hand was in the pocket of his coat. He drew out a cigarette.

She went down the stairs holding the baluster tightly; her palm, moist from her nervousness, squeaked on the rail as she slid it along. She paused in the library door. Her father was lounging in his chair under the reading-lamp, his legs stretched toward the fire. She could just see the top of his head over the chair, the light falling on his gray hair.

"That you, Betsy?"

The cheer and warmth of his tone smote her; again her eyes closed in pain.

"Yes, it's I," she said, trying for a natural tone, and succeeding, at least, in putting into her voice a great love—and a great pity. She bent over the back of the chair, and laid her hands on his head, gazing into the fire. The touch of her hands sent a delicious thrill

through Ward; he did not move or speak, wishing to prolong the sensation.

"Dear," she said, "I have something to tell you."

The delicious sensation left him instantly.

"Can you bear some bad news—some bad, bad news?"

His heart sank. He had expected something like this—the day would come, he knew, when she would leave him. But was it not unusual? Should not Eades have spoken—should not he have asked him first? Her arms were stealing about his neck.

"Some bad news—some evil news. Something very—"

She had slipped around beside him and leaned over as if to protect him from the blow she was about to deliver. Her voice suddenly grew unnatural, tragic, sending a shudder through him as she finished her sentence with the one word:

"Horrible!"

"What is it?" he whispered.

"Be strong, dear, and brave; it's going to hurt you."

"Tell me, Bess," he said, sitting up now, his man's armor on.

"It's about Dick."

"Dick!"

"Yes, Dick—and the bank!"

"Oh-h!" he groaned, and, in his knowledge of his own world, he knew it all.

XXV

"Ah, Mr. Ward, ah! Heh! Won't you sit down, sir, won't you sit down?"

Hunter had risen from his low hollow chair, and now stood bowing, or rather stooping automatically to a posture lower than was customary with him. The day before or that afternoon, Ward would have noticed Hunter's advancing senility. The old banker stood bent before his deep, well-worn green chair, its bottom sagging almost to the floor. He had on large, loose slippers and a long faded gown. The light glistened on his head, entirely bald, and fell in bright patches on the lean, yellow face that was wrinkled in a smile,—but a smile that expressed nothing, not even mirth. He stood there, uncertainly, almost apologetically, making some strange noise in his throat like a chuckle, or like a cough. His tongue moved restlessly along his thin lips. In his left hand he held a cigar, stuck on a toothpick.

"Won't you sit down, Mr. Ward, won't you sit down, sir?"

The old banker, after striving for this effect of hospitality, lowered himself carefully into his own deep chair. Ward seated himself across the hearth, and looked at the shabby figure, huddled in its shabby chair, in the midst of all the richness and luxury of that imposing library. About the walls were magnificent bookcases in mahogany, and behind their little leaded

panes of glass were rows of morocco bindings. On the walls were paintings, and all about, in the furniture, the rugs, the bric-à-brac, was the display of wealth that had learned to refine itself. And yet, in the whole room nothing expressed the character of that aged and withered man, save the shabby green chair he sat in, the shabby gown and slippers he wore, and the economical toothpick to make his cigar last longer. Ward remembered to have heard Elizabeth and her mother —in some far removed and happy day before this thing had come upon him—speak of the difficulty Mrs. Hunter and Agnes Hunter had with the old man; he must have been intractable, he had resisted to the end and evidently come off victorious, for here he sat with the trophies of his victory, determined to have his own way. And yet Ward, who was not given to speculations of the mental kind, did not think of these things. At another time Hunter might have impressed him sadly as an old man; but not now; this night he was feeling very old himself.

"I presume, Mr. Hunter," Ward began, "that you imagined the object of my visit when I telephoned you an hour ago."

"Oh, yes, sir, yes, Mr. Ward. You came to see me about that boy of yours!"

"Exactly," said Ward, and he felt his cheek flush.

"Bad boy, that, Mr. Ward," said Hunter in his squeaking voice, grinning toothlessly.

"We needn't discuss that," said Ward, lifting his hand. "The situation is already sufficiently embarrassing. I came to talk the matter over as a simple business proposition."

"Yes?" squeaked Hunter with a rising inflection,

"What does the shortage amount to?" Ward leaned toward him.

"In round numbers?"

"No," Ward was abrupt. "In dollars and cents."

Hunter pursed his lips. Ward's last words seemed to stimulate his thought.

"Let us see," he said, "let us see. If I remember rightly"—and Ward knew that he remembered it to the last decimal point—"it amounts to twenty-four thousand, six hundred and seventy-eight dollars and twenty-nine cents."

Ward made no reply; he was leaning forward, his elbows on his knees, gazing into the fire. He did not move, and yet he knew that the old banker was shrewdly eying him.

"That, of course," said Hunter with the effect of an afterthought, "is the principal sum. The interest—"

"Yes, that's all right," said Ward. Hunter's last words, which at any other time would have infuriated him, in this instance made him happy; they reassured him, gave him hope. He knew now that the old banker was ready to compromise. Then suddenly he remembered that he had not smoked that evening, and he drew his cigar-case from his pocket.

"Do you mind, sir, if I smoke?"

"Not in the least, Mr. Ward, not in the least, sir; delighted to have you. Make yourself perfectly at home, sir."

He waved his long, thin, transparent hand grandly and hospitably at Ward, and smiled his toothless smile.

"Perhaps you'd smoke, Mr. Hunter."

Ward proffered him the case and reflected instantly with delight that the cigar was a large, strong Havana,

rich and heavy, much heavier than the old man was accustomed to, for from its odor Ward knew that the cigar Hunter was consuming to the last whiff was of cheap domestic tobacco, if it was of tobacco at all.

"Thank you, sir," said Hunter, delighted, leaning out of his chair and selecting a cigar with care. "I usually limit myself to one cigar of an evening—but with you—"

"Yes," thought Ward, "I know why you limit yourself to one, and I hope this one will make you sick."

When Ward had smoked a moment, he said:

"Mr. Hunter, if I reimburse you, what assurance can I have that there will be no prosecution?"

"Heh, heh." The old man made that queer noise in his throat again. "Heh, heh. Well, Mr. Ward, you know you are already on your son's bond."

"For ten thousand, yes—not for twenty-four."

"Quite right!" said Hunter, taken somewhat aback. Then they were silent.

"What assurance can you give me, Mr. Hunter?" He took the cigar from his lips and looked directly at Hunter.

"Well, I'm afraid, Mr. Ward, that that has passed out of my hands. You see—"

"You told Eades; yes, I know!" Ward was angry, but he realized the necessity for holding his temper.

"Why did you do that, Mr. Hunter, if I may ask? What did you expect to gain?"

Hunter made the queer noise in his throat and then he stammered:

"Well, Mr. Ward, you must understand that—heh—our Trust Company is a state institution—and I felt it to be my duty, as a citizen, you know, to report any

irregularities to the proper official. Merely my duty, as a citizen, Mr. Ward, you understand, as a citizen. Painful, to be sure, but my duty."

Ward might not have been able to conceal the disgust he felt for this old man if he had not, for the first time that evening, been reminded by Hunter's own words that the affair was not one to come within the federal statutes. What Hunter's motive had been in reporting the matter to Eades so promptly, he could not imagine. It would seem that he could have dealt better by keeping the situation in his own hands; that he could have held the threat of prosecution over his head as a weapon quite as menacing as this, and certainly one he could more easily control. But Hunter was mysterious; he waded in the water, and Ward could not follow his tracks. He was sure of but one thing, and that was that the reason Hunter had given was not the real reason.

"You might have waited, it seems to me, Mr. Hunter," he said. "You might have had some mercy on the boy."

Ward did not see the peculiar smile that played on Hunter's face.

"If I remember, Mr. Ward, you had a young man in your employ once, who—"

Ward could scarcely repress a groan.

"I know, I know," he hastened to confess.

"Yes, exactly," said Hunter, his chuckle now indicating a dry satisfaction. "You did it as a duty—as I did—our duties as citizens, Mr. Ward, our duties as citizens, and our duties to the others in our employ—we must make examples for them."

"Yes. Well, it's different when your own boy is selected to afford the example." Ward said this with a

touch of his humor, but became serious and sober again as he added:

"And I hope, Mr. Hunter, that this affair will never cause you the sorrow and regret—yes, the remorse—that that has caused me."

Hunter looked at Ward furtively, as if he could not understand how such things could cause any one regret. Out of this want of understanding, however, he could but repeat his former observation:

"But our duty, Mr. Ward. We must do our duty—heh—heh—as citizens, remember."

He was examining the little gilt-and-red band on the cigar Ward had given him. He had left it on the cigar, and now picked at it with a long, corrugated finger-nail, as if he found a pleasure and a novelty in it. Ward was willing to let the subject drop. He knew that Hunter had been moved by no civic impulse in reporting the fact to Eades; he did not know what his motive had been; perhaps he never would know. It was enough now that the harm had been done, and in his practical way he was wondering what could be done next. He suddenly made a movement as if he would go, a movement that caused Hunter to glance at him in some concern.

"Well," said Ward, "of course, if it has gone that far, if it is really out of your hands, I presume the only thing is to let matters take their course. To be sure, I had hoped—"

"Keep your seat, Mr. Ward, keep your seat. It is a long time since I have had the pleasure of entertaining you in my home."

Entertaining! Ward could have seized the wizened pipe of the old man and throttled him there in his shabby green-baize chair.

"Have you anything to suggest?" asked Ward.

"Would not the suggestion better emanate from you?" The old banker waved a withered hand toward Ward with a gesture of invitation. Ward remembered that gesture and understood it. He knew that now they were getting down to business.

"I have no proposition," said Ward. "I am anxious to save my son—and my family." A shade of pain darkened his countenance. "I am willing to make good the—er—shortage." How all such words hurt and stung just now! "Provided, of course, the matter could be dropped there."

The old banker pondered.

"I should like to help you in your difficulty, Mr. Ward," he said. "I—"

Ward waited.

"I should be willing to recommend to Mr. Eades a discontinuance of any action. What his attitude would be, I am not, of course, able to say. You understand my position."

"Very well," said Ward in the brisk business way habitual with him. "You see Eades, have him agree to drop the whole thing, and I'll give you my check to cover the—deficiency."

The banker thought a moment and said finally:

"I shall have an interview with Mr. Eades in the morning, communicating the result to you at eleven o'clock."

Ward rose.

"Must you go?" asked Hunter in surprise, as if the visit had been but a social one. He rose tremblingly, and stood looking about him with his mirthless grin, and Ward departed without ceremony.

XXVI

All the way to the court-house Elizabeth's heart failed her more and more. She had often been in fear of Eades, but never had she so feared him as she did to-day; the fear became almost an acute terror. And, once in the big building, the fear increased. Though the court-house, doubtless, was meant for her as much as for any one, she felt that alien sense that women still must feel in public places. Curiosity and incredulity were shown in the glances the loafers of the corridors bestowed on this young woman, who, in her suit of dark green, with gray furs and muff, attracted such unusual attention. Elizabeth detected the looks that were exchanged, and, because of her sensitiveness, imagined them to be of more significance than they were. She saw the sign "Marriage Licenses" down one gloomy hallway; then in some way she thought of the divorce court; then she thought of the criminal court, with its shadow now creeping toward her own home, and when she reflected how much cause for this staring curiosity there might be if the curious ones but knew all she knew, her heart grew heavier. But she hurried along, found Eades's office, and, sending in her card, sat down in the outer room to wait.

She had chosen the most obscure corner and she sat there, hoping that no one would recognize her, filled with confusion whenever any one looked at her, or she suspected any one of looking at her, and imagining all

the dreadful significances that might attach to her visit. While she waited, she had time to think over the last eighteen hours. They had found it necessary to tell her mother, and that lady had spent the whole morning in hysteria, alternately wondering what people would say when the disgrace became known, and caressing and leaning on Dick, who bravely remained at home and assumed the manly task of comforting and reassuring his mother. Elizabeth had awaited in suspense the conclusion of Hunter's visit to Eades, and she had gone down town to hear from her father the result of Hunter's effort. She was not surprised when her father told her that Hunter reported failure; neither of them had had much faith in Hunter and less in Eades. But when they had discussed it at the luncheon they had in a private room at the club, and after the discussion had proved so inconclusive, she broached the plan that had come to her in the wakeful night,—the plan she had been revolving in her mind all the morning.

"My lawyer?" her father had said. "He could do nothing—in a case like this."

"I suppose not," Elizabeth had said. "Besides, it would only place the facts in the possession of one more person."

"Yes."

"We might consult Gordon Marriott. He would sympathize—and help."

"Yes, that might do."

"But not yet," she had said. "Not till I've tried my plan."

"Your plan? What is it?"

"To see John Eades—for me to see John Eades."

She had hung her head—she could not help it, and her father had shown some indignation.

"Not for worlds!" he had said. "Not for worlds!"

"But I'm going."

"No! It wouldn't be fitting!"

"But I'm going."

"Then I'll go along."

"No, I'll go alone."

He had protested, of course, but his very next words showed that he was ready to give in.

"When shall you go?" he asked.

"Now. There isn't much time. The grand jury—what is it the grand jury does?"

"It sits next week, and Eades will lay the case before it then—unless—"

"Unless I can stop him."

There had been a little intense, dramatic moment when the waiter was out of the room and she had risen, buttoning her jacket and drawing on her gloves, and her father had stood before her.

"Bess," he said, "tell me, are you contemplating some—horrible sacrifice?" He had put his finger under her chin and elevated it, in the effort to make her look him in the eyes. She had paled slightly and then smiled—and kissed him.

"Never mind about me, papa."

And then she had hastened away—and here she was.

The tall door lettered "The Prosecuting Attorney" was closed, but she did not have to wait long before it opened and three men came out, evidently hurried away by Eades, who hastened to Elizabeth's side and said:

"Pardon me if I kept you waiting."

They entered the private office, and, at her sign, he closed the door. She took the chair beside his desk, and he sat down and looked at her expectantly. He was plainly ill at ease, and this encouraged her. She was alive to the strangeness of this visit, to the strangeness of the place and the situation; her heart was in her throat; she feared she could not speak, but she made a great effort and plunged at once into the subject.

"You know what brings me here."

"I presume—"

"Yes," she said before he could finish. He inclined his head in an understanding that would spare painful explanation. His heart was going rapidly. He would have gloried in having her near him in any other place; but here in this place, on this subject! He must not forget his position; he must assume his official personality; the separation of his relations had become a veritable passion with him.

"I came," she said, "to ask a favor—a very great favor. Will you grant it?"

She leaned forward slightly, but with a latent intensity that showed all her eagerness and concern. He was deeply troubled.

"You know I would do anything in my power for you," he said. His heart was sincere and glowing—but his mind instantly noted the qualification implied in the words, "my power."

And Elizabeth, with her quick intelligence, caught the significance of those words. She closed her eyes an instant. How hard he made it! Still, he was certainly within his rights.

"I want you to let my brother go," she said.

"I want you to let my brother go," she said *Page 550*

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He compressed his lips, and she noted how very thin, how resolute they were.

"It does not altogether rest with me."

"You evade," she said. "Don't treat me—as if I were some politician." She was surprised at her own temerity. With some little fear that he might mistake her meaning, she, nevertheless, kept her gray eyes fixed on him, and went on:

"I came to ask you not to lay his case before the grand jury. I believe that is the extent of your power. I really don't know about such things." Her eyes fell, and she gently stroked the soft gray fur of her muff, as she permitted herself this woman's privilege of pleading weakness. "No one need be the loser—my father will make good the—shortage. All will be as if it never had been—all save this horrible thing that has come to us—that must remain, of course, for ever."

Then she let the silence fall between them.

"You are asking me to do a great deal."

"It seems a very little thing to me, so far as you are concerned; to us—to me—of course, it is a great thing; it means our family, our name, my father, my mother, myself—leaving Dick out of it altogether."

Eades turned away in pain. It was evident that she had said her all, and that he must speak.

"You forget one other thing," he said presently.

"What?"

"The rights of society." He was conscious of a certain inadequacy in his words; they sounded to him weak, and not at all as it seemed they should have sounded. She did not reply at once, but he knew that she was looking at him. Was that look of hers a look of scorn?

"I do not care one bit for the rights of society," she said. He knew that she spoke with all her spirit. But she softened almost instantly and added, "I do care, of course, for its opinion."

Eades was not introspective enough to realize his own superlative regard for society's opinion; it was easier to cover this regard with words about its rights.

"But society has rights," he said, "and society has placed me here to see those rights conserved."

"What rights?" she asked.

"To have the wrong-doer punished."

"And the innocent as well? You would punish my mother, my father and *me,* although, of course, we already have our punishment." She waited a moment and then the cry was torn from her.

"Can't you see that merely having to come here on such an errand is punishment enough for me?"

She was bending forward, and her eyes blinked back the tears. He had never loved her so; he could not bear to look at her sitting there in such anguish.

"My God, yes!" he exclaimed. He got up hastily, plunging his hands in his pockets, and walking away to his window, looked out a moment, then turned; and as he spoke his voice vibrated:

"Don't you know how this makes me suffer? Don't you know that nothing I ever had to face troubles me as this does?"

She did not reply.

"If you don't," he added, coming near and speaking in a low, guarded tone, "you don't know how—I love you."

She raised her hand to protest, but she did not look up. He checked himself. She lowered her gloved

hand, and he wondered in a second of great agitation if that gesture meant the withdrawal of the protest.

"Then—then," she said very deliberately, "do this for me."

She raised her muff to hide the face that flamed scarlet. He took one step toward her, paused, struggled for mastery of himself. He remembered now that the principle—the principle that had guided him in the conduct of his office, required that he must make his decisions slowly, calmly, impersonally, with the cold deliberation of the law he was there to impersonate. And here was the woman he loved, the woman whom he had longed to make his wife, the wife who could crown his success—here, at last, ready to say the word she had so long refused to say—the word he had so long wished to hear.

"Elizabeth," he said simply, "you know how I have loved you, how I love you now. This may not be the time or the place for that—I do not wish to take an advantage of you—but you do not know some other things. I have never felt at all worthy of you. I do not now, but I have felt that I could at least offer you a clean hand and a clean heart. I have tried in this office, with all its responsibilities, to do my duty without fear or favor; thus far I have done so. It has been my pride that nothing has swerved me from the path of that plain duty. I have consoled myself ever since I knew I loved you—and that was long before I dared to tell you—that I could at least go to you with that record. And now you ask me to stultify myself, to give all that up! It is hard—too hard!" He turned away. "I don't suppose I make it clear. Perhaps it seems a little thing to you. To me it is a big thing; it is all I have."

Elizabeth was conscious for an instant of nothing but a gratitude to him for turning away. She pressed her muff against her face; the soft fur, a little cold, was comforting to her hot cheeks. She felt a humiliation now that she feared she never could survive; she felt a regret, too, that she had ever let the situation take this personal and intimate turn. For an instant she was disposed to blame Eades, but she was too just for that; she knew that she alone was to blame; she remembered that it was this very appeal she had come to make, and she contemned herself—despised herself. And then in a desperate effort to regain her self-respect, she tried to change the trend of the argument, to restore it to the academic, the impersonal, to struggle back to the other plane with him, and she said:

"If it could do any good! If I could see what good it does!"

"What!" he exclaimed, turning to her. "What good? What good does any of my work do?"

"I'm sure I don't know." As she said this, she looked up at him, met his eye with a boldness she despised in herself. Down in her heart she was conscious of a self-abasement that was almost complete; she realized the histrionic in her attitude, and in this feeling, determined now to brave it out; she added bitterly: "None, I should say."

"None!" He repeated the word, aghast. "None! Do you say that all this work I have been doing for the betterment, the purification of society does no good?"

"No good," she said; "it does no good; it only makes more suffering in the world." And she thought of all she was just then suffering.

"Where—" he could not catch his breath—"where did you get that idea?"

"In the night—in the long, horrible night." Though she was alive to the dramatic import of her words and this scene, she was speaking with sincerity, and she shuddered.

Eades stood and looked at her. He could do nothing else; he could say nothing, think nothing.

In Elizabeth's heart there was now but one desire, and that was to get away, to bring this horror to an end. She had come to save her brother; now she was conscious that she must save herself; she felt that she had hopelessly involved the situation; it was beyond remedy now, and she must get away. She rose.

"I have come here, I have humiliated myself to ask you to do a favor for me," she said. "You are not ready to do it, I see." She was glad; she felt now the dreadful anxiety of one who is about to escape an awful dilemma. "To me it seems a very simple little thing, but—"

She was going.

"Elizabeth!" he said, "let me think it over. I can not think straight just now. You know how I *want* to help you. You know I would do anything—anything for you!"

"Anything but this," she said. "This little thing that hurts no one, a thing that can bring nothing but happiness to the world, that can save my father and my mother and me—a thing, perhaps the only thing that can save my poor, weak, erring brother—who knows?"

"Let me think it over," he pleaded. "I'll think it over to-night—I'll send you word in the morning."

She turned then and went away.

XXVII

Elizabeth let the note fall in her lap. A new happiness suddenly enveloped her. She felt the relief of an escape. The note ran:

DEAR ELIZABETH:

I have thought it all over. I did not sleep all night, thinking of it, and of you. But—I can not do what you ask; I could not love you as I do if I were false to my duty. You know how hard it is for me to come to this conclusion, how hard it is for me to write thus. It sounds harsh and brutal and cold, I know. It is not meant to be. I know how you have suffered; I wish you could know how I have suffered and how I shall suffer. I can promise you one thing, however: that I shall do only my duty, my plain, simple duty, as lightly as I can, and nothing now can give me such joy as to find the outcome one perhaps I ought not to wish—one which in any other case would be considered a defeat for me. But I ask you to think of me, whatever may come to pass, as

Your sincere

JOHN EADES.

She leaned back in her chair, and closed her eyes; a sense of rest and comfort came to her. She was content for a while simply to realize that rest and comfort. She opened her eyes and looked out of the window over the little triangular park with its bare trees; the sky was solid gray; there was a gray tone in the atmosphere, and the soft light was grateful and restful to her eyes, tired and sensitive as they were from the loss of so much sleep. She felt that she could lie back then and sleep profoundly. Yet she did not wish to sleep—she wished to be awake and enjoy this sensa-

tion of relief, of escape. After that night and that day and this last night of suspense, it was like a reprieve—she started and her face darkened,—the thought of reprieve made her somehow think of Archie Koerner. This event had quite driven him out of her mind, coming as it had just at the climax. She had not thought of him for—how long? And Gusta! It brought the thought of her, too. Suddenly she remembered, with a dim sense of confusion that, at some time long ago, she and Gusta had talked of Archie's first trouble. Had they mentioned Dick? No, but she had thought of him! How strange! And then her thoughts returned to Eades, and she lifted the note, and glanced at it. She recalled the night at the Fords', and his proposal, her hesitation and his waiting. She let the note fall again and sighed audibly—a sigh that expressed her content. Then suddenly she started up! She had forgotten Dick—the trouble—her father!

Marriott knew what she had to say almost before the first sentence had fallen from her lips.

"I'll not pretend to be surprised, Elizabeth," he said. "I haven't expected it, but now I can see that it was inevitable."

He looked away from her.

"Poor boy!" he said. "How I pity him! He has done nothing more than to adopt the common standard; he has accepted the common ideal. He has believed them when they told him by word and deed that possession—money—could bring happiness and that nothing else can! Well—it's too bad."

Elizabeth's head was drooping and the tears were streaming down her cheeks. He pretended not to see.

"Poor boy!" he went on. "Well, we must save him, that's all."

She looked up at him, her gray eyes wide and their lashes drenched in their tears.

"How, Gordon?"

"Well, I don't know, but some way." He studied a moment. "Eades—well, of course, he's hopeless."

She could never tell him of her visit to Eades; she had told him merely of Hunter's interview with the prosecutor. But she was surprised to see how Marriott, instantly, could tell just what Eades would do.

"Eades is just a prosecutor, that's all," Marriott went on. "Heavens! How the business has hardened him! How it does pull character to shreds! And yet —he's like Dick—he's pursuing another ideal that's very popular. They'll elect Eades congressman or governor or something for his severity. But let's not waste time on him. Let's think." He sat there, his brows knit, and Elizabeth watched him.

"I wish I could fathom old Hunter. He had some motive in reporting it to Eades so soon. Of course, if it wasn't for that it would be easy. Hm—" He thought. "We'll have to work through Hunter. He's our only chance. I must find out all there is to know about Hunter. Now, Elizabeth, I'll have to shut myself up and do some thinking. The grand jury doesn't meet for ten days—we have time—"

"They won't arrest Dick?"

"Oh, it's not likely now. Tell him to stay close at home—don't let him skip out, whatever he does. That would be fatal. And one thing more—let me do the worrying." He smiled.

Marriott had hoped, when the murder trial was over,

that he could rest; he had set in motion the machinery that was to take the case up on error; he had ordered his transcripts and prepared the petition in error and the motions, and he was going to have them all ready and file them at the last moment, so that he might be sure of delay. Archie had been taken to the penitentiary, and Marriott was glad of that, for it relieved him of the necessity of going to the jail so often; that was always an ordeal. He had but one more visit to make there,—Curly had sent for him; but Curly never demanded much. But now—here was a task more difficult than ever. It provoked him almost to anger; he resented it. It was always so, he told himself; everything comes at once—and then he thought of Elizabeth. It was for her!

He thought of nothing else all that day. He inquired about Hunter of every one he met. He went to his friends, trying to learn all he could. He picked up much, of course, for there was much to be told of such a wealthy and prominent man as Amos Hunter, especially one with such striking personal characteristics. But he found no clue, no hint that he felt was promising. Then he suddenly remembered Curly.

He found him in another part of the jail, where he had been immured away from Archie in order that they might not communicate with each other. With his wide knowledge and deeper nature Curly was a more interesting personality than Archie. He took his predicament with that philosophy Marriott had observed and was beginning to admire in these fellows; he had no complaints to make.

"I'm not worried," he said. "I'll come out all right. Eades has nothing on me, and he knows it. They're

holding me for a bluff. They'll keep me, of course, until they get Archie out of the way, then they'll put me on the street. It wouldn't do to drop my case now. They'll just stall along with it until then. Of course—there's one danger—" he looked up and smiled curiously, and to the question in Marriott's eyes, he answered:

"You see they can't settle me for this; but they might dig up something somewhere else and put me away on that. You see the danger."

Marriott nodded, not knowing just what to say.

"But we must take the bitter with the sweet, as Eddie Dean used to say." Curly spoke as if the observation were original with Dean. "But, Mr. Marriott, there's one or two things I want you to attend to for me."

"Well," consented Marriott helplessly, already overburdened with others' cares.

"I don't like to trouble you, but there's no one I like to trust, and they won't let me see any one."

He hesitated a moment.

"It's this way," he presently went on. "I've got a woman—Jane, they call her. She's a good woman, you see, though she has some bad tricks. She's sore now, and hanging around here, and I want her to leave. She's even threatened to see Eades, but she wouldn't do that; she's too square. But she has a stand-in with McFee, and while he's all right in his way, still he's a copper, and you can't be sure of a copper. She can't help me any here, and she might queer me; the flatties might pry something out of her that could hurt me—they'll do anything. If you'll see

Danny Gibbs and have him ship her, I'll be much obliged. And say, Mr. Marriott, when you're seeing him, tell him to get that thing fixed up and send me my bit. He'll understand. I don't mind telling you, at that. There's a man here, a swell guy, a banker, who does business with Dan. He's handled some of our paper—and that sort of thing, you know, and I've got a draw coming there. It ain't much, about twenty-five case, I guess, but it'd come in handy. Tell Dan to give the woman a piece of it and send the rest to me here. I can use it just now buying tobacco and milk and some little things I need. Dan'll understand all about it."

"Who is this swell guy you speak of—this banker?"

Curly looked at Marriott with the suspicion that was necessarily habitual with him, but his glance softened and he said:

"I don't know him myself. I never saw him—his name's Hunt, no, Hunter, or some such thing. Know him?"

Marriott's heart leaped; he struggled to control himself.

"Course, you understand, Mr. Marriott," said Curly, fearing he had been indiscreet, "this is all between ourselves."

"Oh, of course, you can depend on me."

He was anxious now to get away; he could scarcely observe the few decencies of decorum that the place demanded. And when he was once out of the prison, he called a cab and drove with all speed to Gibbs's place. On the way his mind worked rapidly, splendidly, under its concentration. When he reached the well-

known quiet little saloon in Kentucky Street, Gibbs took him into the back room, and there, where Gibbs had been told of the desperate plights of so many men, Marriott told him of the plight of Dick Ward. When he had done, he leaned across the table and said:

"And you'll help me, Dan?"

Gibbs made no reply, but instead smoked and blinked at Marriott curiously. Just as Marriott's hopes were falling, Gibbs broke the silence:

"It's the girl you're interested in," he said gruffly, "not the kid." He looked at Marriott shrewdly, and when Marriott saw that he looked not at all unkindly or in any sense with that cynical contempt of the sentimental that might have been expected of such a man, Marriott smiled.

"Well, yes, you're right. I am interested in her."

Gibbs threw him one look and then tilted back, gazed upward to the ceiling, puffed meditatively at his cigar, and presently said, as if throwing out a mere tentative suggestion:

"I wonder if it wouldn't do that old geezer good to take a sea-voyage?"

Marriott's heart came into his throat with a little impulse of fear. He felt uneasy—this was dangerous ground for a lawyer who respected the ethics of his profession, and here he was, plotting with this go-between of criminals. Criminals—and yet who were the criminals he went between? These relations, after all, seemed to have a high as well as a low range—was there any so-called class of society whom Gibbs could not, at times, serve?

"Let's see," Gibbs was saying, "where is this now?

Canada used to do, but that's been put on the bum. Mexico ain't so bad, they say, and some of them South American countries does pretty well, though they complain of the eatin', and there's nothing doing anyway. A couple of friends of mine down in New York went to a place somewhere called—let's see—called Algiers, ain't it?"

Marriott did not like to speak, but he nodded.

"Is that a warm country?"

"Yes."

"Where is it?"

"It's on the shores of the Mediterranean."

"Now that don't tell me any more than I knew before," said Gibbs, "but if the climate's good for old guys with the coin, that's about all we want. It'll make the front all right, especially at this time o' year."

Marriott nodded again.

"All right, that'll do. An old banker goes there for his health—just as if it was Hot Springs."

Gibbs thought a moment longer.

"Now, of course, the kid's father'll make it good, won't he? He'll put up?"

"Yes," said Marriott. He was rather faint and sick about it all—and yet it was working beautifully, and it must be done. Even then Ward was pacing the floor somewhere—and Elizabeth, she was waiting and depending on him. "Shall I bring you his check?"

"Hell, no!" exclaimed Gibbs. "We'll want the cash. I'll get it of him. The fewer hands, the better."

Marriott was wild to get away; he could scarcely wait, but he remembered suddenly Curly's commissions, and he must attend to them, of course. He felt a great gratitude just now to Curly.

When Marriott told Gibbs of Curly's request, Gibbs shook his head decidedly and said:

"No, I draw the line at refereeing domestic scraps. If Curly wants to go frame in with a moll, it's his business; I can't do anything." And then he dryly added: "Nobody can, with Jane; she's hell!"

XXVIII

One morning, a week later, as they sat at breakfast, Ward handed his newspaper across to Elizabeth, indicating an item in the social column, and Elizabeth read:

"Mr. Amos Hunter, accompanied by his daughter, Miss Agnes Hunter, sailed from New York yesterday on the steamer *King Emanuel* for Naples. Mr. Hunter goes abroad for his health, and will spend the winter in Italy."

Elizabeth looked up.

"That means—?"

"That it's settled," Ward replied.

She grew suddenly weak, in the sense of relief that seemed to dissolve her.

"Unless," Ward added, and Elizabeth caught herself and looked at her father fearfully, "Hunter should come back."

"But will he?"

"Some time, doubtless."

"Oh, dear! Then the suspense isn't over at all!"

"Well, it's over for the present, anyway. Eades can do nothing, so Marriott says, as long as Hunter is away, and even if he were to return, the fact that Hunter accepted the money and credited it on his books—in some fashion—would make it exceedingly difficult to prove anything, and of course, under any circumstances, Hunter wouldn't dare—now."

Elizabeth sat a moment idly playing with a fork, and her father studied the varying expressions of her face as the shades came and went in her sensitive countenance. Her brow clouded in some little perplexity, then cleared again, and at last she sighed.

"I feel a hundred years old," she said. "Hasn't it been horrible?"

"I feel like a criminal myself," said Ward.

"We are criminals—all of us," she said, dealing bluntly, cruelly with herself. "We ought all of us to be in the penitentiary, if anybody ought."

"Yes," he acquiesced.

"Only," she said, "nobody ought. I've learned that, anyway."

"What would you do with them?" he asked, in the comfort of entering the realm of the abstract.

"With us?"

"Well—with the criminals."

"Send us to the penitentiary, I suppose."

"You are delightfully illogical, Betsy," he said, trying to laugh.

"That's all we can be," she said. "It's the only logical way."

Then they were silent, for the maid entered.

"Have we really committed a crime?" she asked, when the door swung on the maid, who came and went so unconsciously in the midst of these tragic currents. "Don't tell me—if we have."

"I don't know," said Ward. "I presume I'd rather not know. I know I've gone through enough to make me miserable the rest of my life. I know that we have settled nothing—that we have escaped nothing—except what people will say."

"Yes, mama, after all, was the only one wise enough to understand and appreciate the real significance."

"Well, there's nothing more we can do now," he replied.

"No, we must go on living some way." She got up, went around the table and kissed him on the forehead. "We'll just lock our little skeleton in the family closet, papa, and once in a while go and take a peep at him. There may be some good in that—he'll keep us from growing proud, anyway."

Ward and Marriott had decided to say as little to Elizabeth as possible of their transaction. Ward had gone through a week of agony. In a day or two he had raised the little fortune, and kept it ready, and he had been surprised and a bit perturbed when Gibbs had come and in quite a matter-of-fact way asked for the amount in cash. Ward had helplessly turned it over to him with many doubts and suspicions; but he knew no other way. Afterward, when Gibbs returned and gave him Hunter's receipt, he had felt ashamed of these doubts and had hoped Gibbs had not noticed them, but Gibbs had gone away without a word, save a gruff:

"Well, that's fixed, Mr. Ward."

And yet Elizabeth had wondered about it all. Her conscience troubled her acutely, so acutely that when Marriott came over that evening for the praise he could not forego, and perhaps for a little spiritual corroboration and comfort, she said:

"Gordon, you have done wonders. I can't thank you."

"Don't try," he said. "It's nothing."

She looked troubled. Her brows darkened, and

then, unable to resist the impulse any longer, she asked:

"But, Gordon, was it right?"

"What?" he asked, quite needlessly, as they both knew.

"What you—what we—did?"

"Yes, it was right."

"Was it legal?"

"N-no."

"Ah!" She was silent a moment. "What is it called?"

"What?"

"You know very well—our crime. I *must* know the worst. I must know just how bad I am."

"You wish to have it labeled, classified, as Doctor Tilson would have it?"

"Yes, tell me."

"I believe," said Marriott looking away and biting his upper lip, "that it's called compounding a felony, or something of that sort."

He was silent and she was silent. Then he spoke again.

"They disbarred poor old Billy Gale for less than that."

She looked at him, her gray eyes winking rapidly as they did when she was interested and her mind concentrated on some absorbing problem. Then she impulsively clasped her white hands in her lap, and, leaning over, she asked out of the psychological interest the situation must soon or late have for her:

"Tell me, Gordon, just how you felt when you were—"

"Committing it?"

She nodded her head rapidly, almost impatiently.

"Well," he said with a far-away expression, "I experienced, especially when I was in Danny Gibbs's saloon, that pleasant feeling of going to hell."

"You just *won't* reassure me," she said, relaxing into a hopeless attitude.

"Oh, yes, I will," he replied. "Don't you remember what Emerson says?" He looked up at the portrait of the beautiful, spiritual face above the mantel.

She looked up in her vivid literary interest.

"No; tell me. He said everything."

"Yes, everything there is to say. He said, 'Good men must not obey the laws too well.' "

XXIX

When Eades read the announcement of Hunter's departure for Italy he was first surprised, then indignant, then relieved. Hunter had reported Dick's crime in anger, the state of mind in which most criminal prosecutions are begun. The old man had trembled until Eades feared for him; as he sat there with pallid lips relating the circumstances, he was not at all the contained, mild and shrewd old financier Eades so long had known.

"We must be protected, Mr. Eades,"—he could hear the shrill cry for days—"we must be protected from these thieves! They are the worst of all, sir; the worst of all! I want this young scoundrel arrested and sent to the penitentiary right away, sir, right away!"

Eades had seen that the old man was in fear, and that in his fear he had turned to him as toward that ancient corner-stone of society, the criminal statute. And now he had fled!

Eades knew, of course, that some one had tampered with him; and, of course, the defalcation had been made good, and now Hunter would be an impossible witness. Even Eades could imagine Hunter on the stand, not as he had been in his office that day, angry, frightened, keenly conscious of his wrong and recalling minutely all the details; but senile, a little deaf, leaning forward with a hand behind his ear, a grin on his withered face, remembering nothing, not cognizant of the details of his bookkeeping—sitting there, with

his money safe in his pocket, while the case collapsed, Dick was acquitted in triumph—and he, John Eades, made ridiculous.

But what was he to do? After all, in the eye of the law, Hunter was not a witness; and, besides, it was possible that, technically, the felony might not have been compounded. At any rate, if it had been he could not prove it, and as for proceeding now against Ward, that was too much to expect, too much even for him to exact of himself. When a definite case was laid before him with the evidence to support it, his duty was plain, but he was not required to go tilting after wind-mills, to investigate mere suspicions. It was a relief to resign himself to this conclusion. Now he could only wait for Hunter's return, and have him brought in when he came, but probably, in the end, it would come to nothing. Yes, it was a relief, and he could think hopefully once more of Elizabeth.

The fourteenth of May—the date for the execution of the sentence of death against Archie—was almost on him before Marriott filed his petition in error in the Appellate Court and a motion for suspension of sentence. He had calculated nicely. As the court could not hear and determine the case before the day of execution, the motion was granted, and the execution postponed. Marriott's relief was exquisite; he hastened to send a telegram to Archie, and was happy, so happy that he could laugh at the editorial which Edwards printed the next morning, calling for reforms in the criminal code which would prevent "such travesties as were evidently to be expected in the Koerner case."

Marriott could laugh, because he knew how hypo-

critical Edwards was, but Edwards's editorials had influence in other quarters, and Marriott more and more regretted his simple little act of kindness—or of weakness—in loaning Edwards the ten dollars. If the newspapers would desist, he felt sure that in time, when public sentiment had undergone its inevitable reaction, he might secure a commutation of Archie's sentence; but if Edwards, in order to vent his spleen, continued to keep alive the spirit of the mob, then there was little hope.

"If he could only be sent to prison for life!" said Elizabeth, as they discussed this aspect of the case. "No,"—she hastened to correct herself—"for twenty years; that would do."

"It would be the same thing," said Marriott.

"What do you mean?" Elizabeth leaned forward with a puzzled expression in her gray eyes.

"All sentences to the penitentiary are sentences for life. We pretend they're not, but if a man lives to get out—do we treat him as if he had paid the debt? No, he's a convict still. Look at Archie, for instance."

"Look at Harry Graves! Oh, Gordon,"—Elizabeth suddenly sat up and made an impatient gesture—"I can't forget him! And Gusta! And those men I saw as they were taken from the jail!"

"You mustn't worry about it; you can't help it."

"Oh, that's what they all tell me! 'Don't worry about it—you can't help it!' No! But you worried about Archie—and about"—she closed her eyes, and he watched their white lids droop in pain—"and about Dick."

"I knew them."

"Yes," she said, nodding her head, "you knew them

—that explains it all. We don't know the others, and so we don't care. Some one knows them, of course, or did, once, in the beginning. It makes me so unhappy! Don't, please, ever any more tell me not to worry, or that I can't help it. Try to think out some way in which I can help it, won't you?"

Meanwhile, Edwards's editorials were doing their work. They had an effect on Eades, of course, because the *Courier* was the organ of his party, to which he had to look for renomination. And they produced their effect on the judges of the Appellate Court, who also belonged to that party, but, not knowing Edwards, thought his anonymous utterances the voice of the people, which, at times, in the ears of politicians sounds like the voice of God. The court heard the case early in June; in two weeks it was decided. When Marriott entered the court-room on the morning the decision was to be rendered, his heart sank. On the left of the bench were piled some law-books, and behind them, peeping surreptitiously, he recognized the transcript in the Koerner case. It was much like other transcripts, to be sure, but to Marriott it was as familiar as the features of a friend with whom one has gone through trouble. The transcript lay on the desk before Judge Gardner's empty chair and therefore he knew that the decision was to be delivered by Gardner, and he feared that it was adverse, for Gardner had been severe with him and had asked him questions during the argument.

The bailiff had stood up, rapped on his desk, and Marriott, Eades and the other lawyers in the court-room rose to simulate a respect for the court entertained only by those who felt that they were likely to

win their cases. The three judges paced solemnly in, and when they were seated and the presiding judge had made a few announcements, Gardner leaned forward, pulled the transcript toward him, balanced his gold glasses on his nose, cleared his throat, and in a deep bass voice and in a manner somewhat strained, began to announce the decision. Before he had uttered half a dozen sentences, Marriott knew that he had lost again. The decision of the lower court was affirmed in what was inevitably called by the newspapers an able opinion, and the day of Archie's death was once more fixed—this time for the twenty-first of October.

A few weeks later, Marriott saw Archie at the penitentiary. He had gone to the state capital to argue to the Supreme Court old man Koerner's case against the railroad company. Several weeks before he had tried the case in the Appellate Court, and had won, the court affirming the judgment. This case seemed now to be the only hope of the family, and Marriott was anxious to have it heard by the Supreme Court before the learned justices knew of Archie's case, lest the relation of the old man and the boy prejudice them. He felt somehow that if he failed in Archie's case, a victory in the father's case would go far to dress the balance of the scales of justice and preserve the equilibrium of things. It was noon when Marriott was at the penitentiary, and he was glad that the men who were waiting to be killed were then taking their exercise, for he was spared the depression of the death-chamber. He met Archie under the blackened locust tree in the quadrangle. Archie was hopeful that day.

"I feel lucky," said Archie. "I'll not have to punish,—think so, Mr. Marriott?"

"We've got lots of time," Marriott replied, not knowing what else to say, "the Supreme Court doesn't sit till fall."

Pritchard, the poisoner, laid his slender white hand on Archie's shoulder.

"Good boy you've got here, Mr. Marriott," he said jokingly, "but a trifle wild."

Marriott laughed, and wondered how he could laugh.

Just then a whistle blew, and the convicts in close-formed ranks filed by on their way to dinner. As they went by, one of them glanced at him with a smile of recognition; a smile which, as Marriott saw, the man at once repressed, as the convict is compelled to repress all signs of human feeling. Marriott stared, then suddenly remembered; it was a man named Brill, whom he had known years before. And he, like the rest of the world, had forgotten Brill! He had not even cast him a glance of sympathy! He felt like running after the company—but it was too late; Brill must go without the one little kindness that might have made one day, at least, happier, or if not that, shorter for him.

The last gray-garbed company marched by, the guard with his club at his shoulder. The rear of this company was brought up by a convict, plainly of the fourth grade, for he was in stripes and his head was shaved. He walked painfully, with the aid of a crooked cane, lifting one foot after the other, flinging it before him and then slapping it down uncertainly with a disagreeable sound to the pavement.

"What's the matter with that man?" asked Marriott.

"They say he has locomotor ataxia," said Beck, the death-watch, "but he's only shamming. He's no good."

XXX

Archie had lived in the death-chamber at the penitentiary for nine months. Three times had the day of his death been fixed; the first time, by Glassford for the fourteenth of May, the second time by the Appellate Court for the twenty-first of October. Then, the third time the seven justices of the Supreme Court, sitting in their black and solemn gowns, sustained the lower court, and set the day anew, this time for the twenty-third of November. Then came the race to the Pardon Board; where Marriott and Eades again fought over Archie's life. The Pardon Board refused to recommend clemency. But one hope remained—the governor. It was now the twenty-second of November—one day more. Archie waited that long afternoon in the death-chamber, while Marriott at the state house pleaded with the governor for a commutation of his sentence to imprisonment for life.

Already the prison authorities had begun the arrangements. That afternoon Archie had heard them testing the electric chair; he had listened to the thrumming of its current; twice, thrice, half a dozen times, they had turned it on. Then Jimmy Ball had come in, peered an instant, without a word, then shambled away, his stick hooked over his arm. It was very still in the death-chamber that afternoon. The eight other men confined there, like Archie, spent their days in reviving hope within their breasts; like him, they had

experienced the sensation of having the day of their death fixed, and then lived to see it postponed, changed, postponed and fixed again. They had known the long suspense, the alternate rise and fall of hope, as in the courts the state had wrangled with their lawyers for their lives. Not once had Burns, the negro, twanged his guitar. Lowrie, who was writing a history of his wasted life, had allowed his labor to languish, and sat now moodily gazing at the pieces of paper he had covered with his illiterate writing. Old man Stewart, who had strangled his young wife in a jealous rage, lay on his iron cot, his long white beard spread on his breast, strangely suggestive of the appearance he soon would present in death. Kulaski, the Slav, who had slain a saloon-keeper for selling beer to his son, and never repented, was moody and morose; Belden and Waller had consented to an intermission of their quarrelsome argument about religion. The intermission had the effect of a deference to Archie; the argument was not to be resumed until after Archie's death, when he might, indeed, be supposed to have solved the problem they constantly debated, and to have no further interest in it. Pritchard, the poisoner, a quiet fellow, and Muller had ceased their interminable game of cribbage, the cards lay scattered on the table, the little pins stuck in the board where they had left them, to resume their count another time. The gloom of Archie's nearing fate hung over these men, yet none of them was thinking of Archie; each was thinking of an evening which would be to him as this evening was to Archie, unless —there was always that word "unless"; it made their hearts leap painfully.

Just outside the iron grating which separated from

the antechamber the great apartment where they existed in the hope of living again, Beck, the guard, sat in his well-worn splint-bottomed chair. He had tilted it against the wall, and, with his head thrown back, seemed to slumber. His coarse mouth was open, his purple nose, thrown thus into prominence, was grotesque, his filthy waistcoat rose and stretched and fell as his flabby paunch inflated with his breathing. Beside the hot stove, just where the last shaft of the sun, falling through the barred window, could fall on her, a black cat, fat and sleek, that haunted the chamber with her uncanny feline presence, stretched herself, and yawned, curling her delicate tongue.

When Archie entered the death-chamber, there had been eleven men in it. But the number had decreased. He could remember distinctly each separate exit. One by one they had gone out, never to return. There was Mike Thomas; he would remember the horror of that to the end of his life, as, with the human habit, he expressed it to Marriott, insensible of the grim irony of the phrase in that place of deliberate death, where, after all, life persisted on its own terms and with its common phrases and symbols. The newspapers had called it a harrowing scene; the inmates of the death-chamber had whispered about it, calling it a bungle, and the affair had magnified and distorted itself to their imaginations, and they had dwelt on it with a covert morbidity. The newspapers next day were denied them, but they knew that it had required three shocks—they could count them by the thrumming of the currents, each time the prison had shaken with the howl of the awakened convicts in the cell-house. Bill Arnold, the negro who had killed a real estate agent,

had been the most concerned; his day was but a week after Thomas's. The strain had been too much for Arnold; he had collapsed, raved like a maniac, then sobbed, fallen on his knees and yammered a prayer to Jimmy Ball, as if the deputy warden were a god. They had dragged him out, still on his knees, moaning "God be merciful; God be merciful."

They had missed Arnold. He was a jolly negro, who could sing and tell stories, and do buck-and-wing dancing, and, when Ball was away, and the guard's back turned, give perfect imitations of them both. They missed him out of their life in that chamber, or rather out of their death. It seemed strange to think that one minute he was among them, full of warm pulsing life and strength—and that the next, he should be dead. They missed him, as men miss a fellow with whom they have eaten and slept for months.

These men in the state shambles were there, the law had said, for murder. But this was only in a sense true. One was there, for instance, because his lawyer had made a mistake; he had not kept accurate account of his peremptory challenges; he thought he had exhausted but fifteen, whereas he had exhausted sixteen; that is, all of them, and so had been unable to remove from the jury a man whom he had irritated and offended by his persistent questioning; he had been quite sarcastic, intending to challenge the man peremptorily in a few moments. Another man was there because the judge before whom he was tried, having quarreled with his wife one morning, was out of humor all that day, and had ridiculed his lawyer, not in words, but by sneers and curlings of his lip, which could not be preserved in the record. Another—Pritchard, to be

exact—was there, first, because he had been a chemist; secondly, because he, like the judge, had had a quarrel with his wife; thirdly, because his wife had died suddenly, and traces of cyanide of potassium had been found in her stomach—at least three of the four doctors who had conducted the post-mortem examination had said the traces were of cyanide of potassium—and fourthly, because a small vial was discovered in the room in which were also traces of cyanide of potassium; at least, three chemists declared the traces were those of cyanide of potassium. And all of them were there for some such reason as this, and all of them, with the possible exception of Pritchard, had taken human life. And yet each one had felt, and still felt, that the circumstances under which he had killed were such as to warrant killing; such, indeed, as to make it at the moment seem imperative and necessary, just as the State felt that in killing these men, circumstances had arisen which made it justifiable, imperative and necessary to kill.

Though Archie waited in suspense, the afternoon was short, short even beyond the shortness of November, and at five o'clock Marriott came. He lingered just outside the entrance to the chamber in the little room that was fitted up somehow like a chapel, the room in which the death chair was placed. The guard brought Archie out, and he leaned carelessly against the rail that surrounded the chair, mysterious and sinister under its draping of black oil-cloth. The rail railed off the little platform on which the chair was placed just as a chancel-rail rails off an altar, pos-

sibly because so many people regarded the chair in the same sacred light that they regarded an altar, and spoke of it as if its rite were quite as saving and sacerdotal. But Archie leaned against the rail calmly, negligently, and it made Marriott's flesh creep to see him thus unmoved and practical. He did not speak, but he looked his last question out of his blue eyes.

"The governor hasn't decided yet," Marriott said. "I've spent the afternoon with him. I've labored with him—God!" he suddenly paused and sighed in utter weariness at the recollection of the long hours in which he had clung to the governor—"I'm to see him again at eight o'clock at the executive mansion. He's to give me a final answer then."

"At eight o'clock?" The words slipped from Archie's lips as softly as his breath.

"This evening," said Marriott, dreading now the thought of fixity of time. He looked at Archie; and it was almost more than he could endure. Archie's eyes were fastened on him; his gaze seemed to cling to him in final desperation.

"Oh, in the name of God," Archie suddenly whispered, leaning toward him, his face directly in his, "do something, Mr. Marriott! *something! something!* I can't, I can't die to-night! If it's only a little more time—just another day—but not to-night! Not to-night! Do something, Mr. Marriott; *something!*"

Marriott seized Archie's hand. It was cold and wet. He wrung it as hard as he could. There were no words for such a moment as this. Words but mocked.

He saw Archie's chest heave, and the cords tighten in his swelling neck. Marriott could only look at him

—this boy, for whom he had come to have an affection—so young, so strong, with the great gloom of death prematurely, unnecessarily, in his face!

But the face cleared suddenly,—Archie still could think, and he remembered—he remembered Curly, and Mason and old Dillon, and Gibbs, he recalled the only ideals he knew—like all of us, he could live up only to such ideals as he had—he remembered that he must be game. He straightened, Marriott saw the fine and supple play of the muscles of his chest, its white skin revealed through his open shirt.

"So long, Mr. Marriott," said Archie, and then turned and went back into the death-chamber.

Outside, in the twilight that was filling the quadrangle, Marriott passed along, the gloom of the place he had left filling his soul. The trusty who had conducted him to the death-chamber paced in silence by his side. He passed the great tree, gaunt and bare and black now, the tree under which he had seen that summer day these doomed men take their exercise, with the Sunday-school scholars standing by and gazing on with curious covert glances and perverted thoughts. He wished that time had paused on that day—he had had hope then; this thing as to Archie, it then had seemed, simply could not be; it might, he had felt, very well be as to those other doomed men; indeed, it seemed certain and irrevocable; but as to Archie, no, it could not be. And yet, here it was, the night before the day—and but one more hope between them and the end. He hastened on, anxious to get out of the place. Any moment the whistle might blow and he would have to wait until the men had come from their work; the gates could not be unlocked at that time, or until

the men were locked again in their cells. They were passing the chapel, and suddenly he heard music—the playing of a piano. He stopped and listened. He heard the deep bass notes of Grieg's *Ode to the Spring*, played now with a pathos he had never known before.

"What's that?" he asked the trusty.

"That playing? That's young Ernsthauser. He's a swell piano player."

"May we look in?"

"Sure."

They entered, and stood just inside the door. A young German, in the gray convict garb, was seated at a piano, his delicate hands straying over the keys. One gas-jet burned in the wall above the piano, shedding its faint circle of light around the pianist, glistening on the dark panels of the instrument, lighting the pale face of the boy—he was but a boy—and then losing itself in the great darkness that hung thick and soft and heavy in the vast auditorium. Marriott looked and listened in silence; tears came to his eyes, a vast pity welled within him, and he knew that never again would he hear the *Ode* without experiencing the pity and the pain of this day. He wished, indeed, that he had not heard it. The musician played on, rapt and alone, unconscious of their presence.

"Tell me about that fellow," said Marriott, as they stole away.

"Oh, he was a musician outside. The warden lets him play. The warden likes music. I've seen him cry when Ernsthauser plays. He plays for visitors, and he picks up, they say, a good bit of money every day. The visitors, except the Sunday-schools, give him tips."

"How long is he in for?"

"Life."

The word fell like a blow on Marriott. Life! What parodoxes were in this place! What perverted meanings—if there were any meanings left in the world. This one word life, in one part of the prison meant life indeed; now it meant death. Was there any difference in the words, after all—life and death? Life in death; death in life? With Archie it was death in life, with this musician, life in death—no, it was the other way. But was it? Marriott could not decide. The words meant nothing, after all.

The delay in the chapel kept Marriott in the prison for half an hour. He would not watch the convicts march again to their cells; he did not wish to hear the clanging of the gong nor the thud of the bolts that locked them in for the night.

The warden, a ruddy and rotund man, spoke pleasantly to him and asked him into his office. The warden sat in a big swivel chair before his roll-top desk, and, while Marriott waited, locked in now like the rest, they chatted. It was incomprehensible to Marriott that this man could chat casually and even laugh, when he knew that he must stay up that night to do such a deed as the law required of him. The consciousness, indeed, must have lain on the warden, try as he might not to show it, for, presently, the warden himself, as if he could not help it, referred to the event.

"How's Archie taking it?" he asked.

Marriott might have replied conventionally, or politely, that he was taking it well, but he somehow resented this man's casual and contained manner. And

so, looking him in the eyes, and meaning to punish him, he said:

"He's trying to *appear* game, but he's taking it hard."

"Hard, eh?"

"Yes, hard." Marriott looked at him sternly. "Tell me," he emboldened himself to ask, "how can you do it?"

The warden's face became suddenly hard.

"Do it? Bah! I could switch it into all of them fellows in there—like that!" He snapped his fat fingers in the air with a startling, suggestive electric sound. And for a moment afterward his upper lip curled with a cruelty that appalled Marriott. He looked at this man, this executioner, who seemed to be encompassed all at once with a kind of subtle, evil fascination. Marriott looked at his face—then in some way at the finger and thumb which, a moment before, had snapped their indifference in the air. And he started, for suddenly he recalled that Doctor Tyler Tilson had declared, in the profound scientific treatise he had written for the *Post*, that Archie had the spatulate finger-tips and the stubbed finger-nails that were among the stigmata of the homicide, and Marriott saw that the fingers of the warden were spatulate, their nails were broad and stubbed, imbedded in the flesh. And this man liked music—cried when the life-man played!

"Won't you stop and have dinner with me?" the warden asked. "You can stay for the execution, too, if you wish."

"No, thank you," said Marriott hurriedly. The

thought of sitting down to dine with this man on this evening was abhorrent, loathsome to him. He might have sat down and eaten with Archie and his companions, or with those convicts whose distant shuffling feet he heard; he could have eaten their bread, wet and salt with their tears, but he could not eat with this man. And yet, sensitively, he could not let this man detect his loathing.

"No," he said, "I must get back to my hotel—" and the thought of the hotel, with its light and its life, filled him with instant longing. "I have another appointment with the governor this evening."

"Oh, he won't do anything," said the warden.

The words depressed Marriott, and he hurried away with them persistently ringing in his ears, glad at least to get away from the great pile that hid so much sorrow and misery and shame from the world, and now sat black against the gathering night, under the shadow of a mighty wing.

At eight o'clock that evening Archie was sitting on the edge of his cot, smoking one of the Russian cigarettes Marriott had brought him in the afternoon. The pungent and unusual odor filled the death-chamber, and the other waiting men (who nevertheless did not have to die that night) sniffed, some suspiciously, some with the air of connoisseurs.

"Ha!" said Pritchard, turning his pale face slowly about, "imported, eh?"

Then Archie passed them around, though somewhat reluctantly. Marriott had brought him several boxes of these cigarettes, and Archie knew they were the kind Marriott smoked himself. He was generous

enough; this brotherhood of doomed men held all things in common, like the early Christians, sharing their little luxuries, but Archie felt that it was useless to waste such cigarettes on men who would be alive to-morrow; especially when it was doubtful if there would be enough for himself.

The warden had sent him a supper which was borne in with the effect of being the last and highest excellence to which the culinary art could attain. If there was anything, Ball reported the warden as having said, that was then in market, and was not there he'd like to know what it was. The generosity of the warden had not been limited to Archie; the others were treated to a like repast; there was turkey for all. Archie had not eaten much; he had made an effort and smiled and thanked the warden when he strolled in afterward for his meed of praise. Archie found the cigarettes sufficient. He sat there almost without moving, smoking them one after another, end to end, lighting a fresh one from the cork-tipped stub of the one he was about to fling away. He sat and smoked, his eyes blinked in his white face, and his brows contracted as he tried to think. He was not, of course, at any time, capable of sustained or logical thought, and now his thoughts were merely a muddle of impressions, a curiosity as to whether he would win or lose, as if he were gambling, and all this in the midst of a mighty wonder, vast, immeasurable, profound, that was expanding slowly in his soul.

How many times had he waited as he was waiting now, for word from Marriott? May fourteenth, October twenty-first, November twenty-third. What day was this? Oh, yes, the twenty-second. What time was

it now? . . . Kouka?—Kouka was dead; yes, dead. That was good . . . And he himself must die . . . Die? What was that? . . . May fourteenth, October twenty-first, November twenty-third. He had already died three times. No, he had died many more times than that; during the trial he had died again and again, by day, by night. Here in the death-chamber he had died; here on this very cot. Sometimes during the day, when they were all strangely merry, when Bill Arnold was doing a song and dance, when they had all forgotten, suddenly, in an instant, it would come over him, and he would die—die there, amidst them all, with the sun streaming in the window—die with a smile and a joke, perhaps while speaking to one of them; they would not know he was dying. And in the night he died often, nearly every night, suddenly he would find himself awake, staring into the darkness; then he would remember it all, and he would die, live over that death again, as it were. All about him the others would be snoring, or groaning, muttering or cursing, like drunkards in their sleep. Perhaps they were dying, too. Now, he must die again. And he had already died a thousand deaths. Kouka had died, too, but only once. . . .

What was that? Marriott? His heart stopped. But, no, it was not Marriott. There was still hope; there was always hope so long as Marriott did not come. It was only the old Lutheran preacher, Mr. Hoerr. He came to pray with him? This was strange, thought Archie. Why should he pray now? What difference could that make? Prayers could not save him; he had tried that, sometimes at night, as well as he could, imploring, pleading, holding on with his

whole soul, until he was exhausted; but it did no good; no one, or nothing heard. The only thing that could do any good now was the governor. . . . Still, he was glad it was not Marriott. He had, suddenly, begun to dread the coming of Marriott. . . . But this preacher? Well, he could pray if he wanted to, it seemed to please him, to be a part somehow of the whole ceremony they were going through. Yet he might pray if it gave him any pleasure. He had read of their praying, always; but Mr. Hoerr must not expect him to stop smoking cigarettes while he prayed.

Archie lighted a fresh cigarette hurriedly, inhaled the smoke, filling his lungs in every cell. . . . The preacher had asked him if he was reconciled, if he were ready to meet his God. Archie did not reply. He stared at the preacher, the smoke streaming from his lips, from his nostrils. Ready to meet his God? What a strange thing to ask! He was not ready, no; he had not asked to meet his God, yet. There was no use in asking such a question; if they were uncertain about it, or had any question, or feared any danger they could settle it by just a word—a word from the governor. Then he would not have to meet his God. . . . Where was his God anyhow? He had no God. . . . These sky-pilots were strange fellows! He never knew what to say to them. . . . "The blood of Jesus." . . . Oh, yes, he had heard that, too. . . . Was he being game? What would the papers say? Would the old Market Place gang talk about it? And Mason, and Dillon, and Gibbs? And Curly, too? They might as well; doubtless they would. They settled whomever they pleased. . . . Out at Nussbaum's saloon in the old days. . . . His mother, and Jakie and

little Katie playing in the back yard, their yellow heads bobbing in the sunshine. . . . And Gusta! Poor Gusta! Whatever became of that chump of a Peltzer? He ought to have fixed him. . . . The old man's rheumatic leg. . . . And that case of his against the railroad. . . . John O'Brien—rattler. . . . What was the word for leg? Oh, yes, gimp. . . . Well, he had made a mess of it. . . . If they would only hang him, instead. . . . Why couldn't they? That would be so much easier. He was used to thinking of that; so many men had gone through that. But this new way, there was so much fuss about it. . . . Bill Arnold. . . . What if? . . . Ugh. . . . How cold it was! Had some one opened the window? . . .

Yes, he was the fall guy, all right, all right. . . . A black, intolerable gloom, dread wastes like a desert. Thirst raged in his throat. . . . It was dry and sanded. . . . How rank the cigarette tasted! . . . Why did the others huddle there in the back of the cage, their faces black, ugly, brutal? Were they plotting? They might slip up on him, from behind. He turned quickly. . . . Well, they would get theirs, too. . . . One day in the wilderness of Samar when their company had been detailed to—the flag—how green the woods were; the rushes—

His father hated him, too, yes, ever since. . . . Eades—Eades had done this. God! What a cold proposition Eades was! . . . One day when he was a little kid, just as they came from school in the afternoon. . . . The rifle range, and the captain smiling as he pinned his sharp-shooter's medal on. . . . Where was his medal now? He meant to ask the warden to have it pinned on his breast after— He must attend to that,

and not forget it. He had spoken to Beck about it and Beck had promised, but Beck never did anything he said he would. . . . If, now, those bars were not there, he could choke Beck, take his gun—

His mind suddenly became clear. With a yearning that was ineffable, intolerable, he longed for some power to stay this thing—if he could only try it all over again, he would do better now! His mind had become clear, incandescent; he had a swift flashing conception of purity, faith, virtue—but before he could grasp the conception it had gone. He was crying, his mother, he remembered—but now he could not see her face, he could see the shape of her head, her hair, her throat, but not her face. He could, however, see her hands quite distinctly. They were large, and brown, and wrinkled, and the fingers were curved so that they were almost always closed. . . . But this was not being game; he needn't say dying game just yet.

Was that Marriott? No, the warden. He had brought him something. He was thrusting it through the bars. A bottle! Archie seized it, pressed it to his lips. Whisky! He drank long and long. Ah! That was better! That did him good! That beat prayers, or tears, or solitaire, or even wishing on the black cat. That made him warm, comfortable. There was hope now. Marriott would bring that governor around! Marriott was a hell of a smart fellow, even if he had lost his case. Perhaps, if he had had Frisby,—Frisby was smart, too, and had a pull. He drank again. That was better yet. What would it matter if the governor refused? It wouldn't matter at all; it was all right. This stuff made him feel game. How much was there

in the bottle? . . . Ah, the cigarettes tasted better, too, now . . .

Marriott? No, not this time. Well, that was good. It was the barber come to "top" him.

The barber shaved bare a little round spot on Archie's head, exposing a bluish-white disk of scalp in the midst of his yellow locks. And then, kneeling with his scissors, he slit each leg of Archie's trousers to the knee. Then the warden drew a paper out of his pocket and began to read.

Archie could not hear what he read. After the barber began shaving his head, he fell into a stupor, and sat there, his eyes staring straight before him, his mouth agape, a cigarette clinging to his lower lip and dangling toward his chin. He looked like a young tonsured priest suddenly become imbecile.

When they finished, he still sat there. Some one was taking off his shoes. Then there was a step. He looked up, as one returning from a dream. He saw some one standing just within the door of the antechamber. Marriott? No, it was not Marriott. It was the governor's messenger.

Without in the cell-house the long corridors had been laid deep in yellow sawdust, so that the fall of the feet of the midnight guests might not awaken the convicts who slept so heavily, on the narrow bunks in their cells, after their dreadful day of toil.

XXXI

"All ready, Archie."

Jimmy Ball touched him on the shoulder. The grated door was open, and Beck stood just inside it, his revolver drawn. He kept his eye on the others, huddled there behind him.

"Come, my boy."

He made an effort, and stood up. He glanced toward the open grated door, thence across the flagging to the other door, and tried to take a step. Out there he could see one or two faces thrust forward suddenly; they peered in, then hastily withdrew. He tried again to take a step, but one leg had gone to sleep, it prickled, and as he bore his weight upon it, it seemed to swell suddenly to elephantine proportions. And he seemed to have no knees at all; if he stood up he would collapse. How was he ever to walk that distance?

"Here!" said Ball. "Get on that other side of him, Warden."

Then they started. The Reverend Mr. Hoerr, waiting by the door, had begun to read something in a strange, unnatural voice, out of a little red book he held at his breast in both his hands.

"Good-by, Archie!" they called from behind, and he turned, swayed a little, and looked back over his shoulder.

"Good-by, boys," he said. He had a glimpse of their faces; they looked gray and ugly, worse even than

they had that evening—or was it that evening when with sudden fear he had seen them crouching there behind him?

Perhaps just at the last minute the governor would change his mind. They were walking the long way to the door, six yards off. The flagging was cold to his bare feet; his slit trouser-legs flapped miserably, revealing his white calves. Walking had suddenly become laborious; he had to lift each leg separately and manage it; he walked much as that man in the rear rank of Company 21 walked. He would have liked to stop and rest an instant, but Ball and the warden walked beside him, urged him resistlessly along, each gripping him at the wrist and upper arm.

In the room outside, Archie recognized the reporters standing in the sawdust. What they were to write that night would be in the newspapers the next morning, but he would not read it. He heard Beck lock the door of the death-chamber, locking it hurriedly, so that he could be in time to look on. Archie had no friend in the group of men that waited in silence, glancing curiously at him, their faces white as the whitewashed wall. The doctors held their watches in their hands. And there before him was the chair, its oil-cloth cover now removed, its cane bottom exposed. But he would have to step up on the little platform to get to it.

"No—yes, there you are, Archie, my boy!" whispered Ball. "There!"

He was in it, at last. He leaned back; then, as his back touched the back of the chair, started violently. But there were hands on his shoulders pressing him down, until he could feel his back touch the chair from his shoulders down to the very end of his spine. Some

one had seized his legs, turned back the slit trousers from his calves.

"Be quick!" he heard the warden say in a scared voice. He was at his right side where the switch and the indicator were.

There were hands, too, at his head, at his arms—hands all over him. He took one last look. Had the governor—? Then the leather mask was strapped over his eyes and it was dark. He could only feel and hear now—feel the cold metal on his legs, feel the moist sponge on the top of his head where the barber had shaved him, feel the leather straps binding his legs and arms to the legs and the arms of the chair, binding them tightly, so that they gave him pain, and he could not move. Helpless he lay there, and waited. He heard the loud ticking of a watch; then on the other side of him the loud ticking of another watch; fingers were at his wrists. There was no sound but the mumble of Mr. Hoerr's voice. Then some one said:

"All ready."

He waited a second, or an age, then, suddenly, it seemed as if he must leap from the chair, his body was swelling to some monstrous, impossible, unhuman shape; his muscles were stretched, millions of hot and dreadful needles were piercing and pricking him, a stupendous roaring was in his ears, then a million colors, colors he had never seen or imagined before, colors no one had ever seen or imagined, colors beyond the range of the spectra, new, undiscovered, summoned by some mysterious agency from distant corners of the universe, played before his eyes. Suddenly they were shattered by a terrific explosion in his brain—then darkness.

But no, there was still sensation; a dull purple color slowly spread before him, gradually grew lighter, expanded, and with a mighty pain he struggled, groping his way in torture and torment over fearful obstacles from some far distance, remote as black stars in the cold abyss of the universe; he struggled back to life—then an appalling confusion, a grasp at consciousness; he heard the ticking of the two watches—then, through his brain there slowly trickled a thread of thought that squirmed and glowed like a white-hot wire . . .

A faint groan escaped the pale lips below the black leather mask, a tremor ran through the form in the chair, then it relaxed and was still.

"It's all over." The doctor, lifting his fingers from Archie's wrist, tried to smile, and wiped the perspiration from his face with a handkerchief.

Some one flung up a window, and a draught of cool air sucked through the room. On the draught was borne from the death-chamber the stale odor of Russian cigarettes. And then a demoniacal roar shook the cell-house. The convicts had been awake.

XXXII

Late in the winter the cable brought the news that Amos Hunter had died at Capri. Though the conventionalities were observed, it was doubtful if the event caused even a passing regret in the city where Hunter had been one of the wealthiest citizens. The extinction of this cold and selfish personality was noted, of course, by the closing of his bank for a day; the Chamber of Commerce, the Board of Trade, and the Stock Exchange adopted the usual resolutions, and the newspapers printed editorials in which the old canting, hypocritical phrases were paraded. To his widow, beyond the shock that came with the breaking of the habit of years, there was a mild regret, and the daughter, who was with him when he died, after the American consul had come to her assistance and arranged to send the body home, experienced a stealthy pleasure in her homeward journey she had not known on the outward voyage.

But to the Wards the news came as a distinct relief, for now the danger, if it ever was a danger, that had hung over them for months was definitely removed. They had grown so accustomed to its presence, however, the suspense and uncertainty had become so much a part of their lives that they did not recognize its reality until they found it removed altogether. Ward and Elizabeth had now and then talked about

it and speculated on its possibilities of trouble in a world where there was so much trouble; and Mrs. Ward had been haunted by the fear of what her world might say. Now that this danger was passed, she could look on it as a thing that was as if it never had been, and she fondled and caressed her full-grown son more than ever. Ward was glad, but he was not happy. He saw that Dick's character had been marked definitely. The boy had escaped the artificial law that man had made, but he had not evaded the natural law, and Ward realized, though perhaps not so clearly as Elizabeth realized, that Dick must go on paying the penalty in his character year after year—perhaps to the end of his days.

If it made any real difference to Dick, he did not show it. Very early in the experience he seemed to be fully reassured, and Ward and Elizabeth and Marriott saw plainly that he was not wise enough to find the good that always is concealed somewhere in the bad. Dick took up his old life, and, so far as his restricted opportunities now permitted, sought his old sensations. Elizabeth sadly observed the continued disintegration of his character, expressed to her by such coarse physical manifestations as his excessive eating and drinking and smoking. And she saw that there was nothing she or any one could now do; that no one could help him but himself, and that, like the story of the prodigal of old, which suddenly revealed its hidden meaning to her in this personal contact with a similar experience, he must continue to feed on husks until he came to himself. How few, she thought, had come to themselves! Elizabeth had been near to boasting that her own eyes had been opened, and they

had, indeed, been washed by tears, but now she humbly wondered if she had come to herself as yet. She had long ago given up the fictions of society which her mother yet revered; she had abandoned her formal charities, finding them absurd and inadequate. Meanwhile, she waited patiently, hoping that some day she might find the way to life.

She saw nothing of Eades, though she was constantly hearing of his success. His conviction of Archie had given him prestige. He considered the case against Curly Jackson, but finding it impossible to convict him, feeling a lack of public sentiment, he was forced to nolle the indictment against him and reluctantly let him go. In fact, Eades was having his trouble in common with the rest of humanity. Though he had been applauded and praised, all at once, for some mysterious reason he could not understand but could only feel in its effect, he discovered an eccentricity in the institution he revered. For a while it was difficult to convict any one; verdict after verdict of not guilty was rendered in the criminal court; there seemed to be a reaction against punishment.

When Amos Hunter died, Eades began to think again of Elizabeth Ward. He assured himself that after this lapse of time, now that the danger was removed, Elizabeth would respect him for his high-minded impartiality and devotion to duty, and, indeed, understand what a sacrifice it had been to him to decide as he had. And he resolved that at the first opportunity he would speak to her again. He did not have to wait long for the opportunity. A new musician had come to town, and, with his interest in all artistic endeavors, Braxton Parrish had taken up this frail youth

who could play the violin, and had arranged a recital at his home.

Elizabeth went because Parrish had asked her especially and because her mother had urged it on her, "out of respect to me," as Mrs. Ward put it. When she got there, she told herself she was glad she had come because she could now realize how foreign all this artificial life had become to her; she was glad to have the opportunity to correct her reckoning, to see how far she had progressed. She found, however, no profit in it, though the boy, whose playing she liked, interested her. He stood in the music-room under the mellow light, and his slender figure bending gracefully to his violin, and his sensitive, fragile, poetic face, had their various impressions for her; but she sat apart and after a while, when the supper was served, she found a little nook on a low divan behind some palms. But Eades discovered her in her retreat.

"I have been wondering whether my fate was settled —after that last time we met," he said, after the awkward moment in which they exchanged banalities.

The wonder was in his words alone; she could not detect the uncertainty she felt would have become him.

"Is it settled?"

"Yes, it is settled."

He was taken aback, but he was determined, always determined. He could not suppose that, in the end, she would actually refuse him.

"Of course," he began again, "I could realize that for a time you would naturally feel resentful—though that isn't the word—but now—that the necessity is passed—that I am in a sense free—I had let myself begin to hope again."

"You don't understand," she said, almost sick at heart. "You didn't understand that day."

"Why, I thought I did. You wanted me—to let him go."

"Yes."

"And because I loved you, to prove that I loved you—"

"Exactly."

"Well, then, didn't I understand you?"

"No."

"Well, I confess," he leaned back helplessly, "you baffle me."

"Oh, but it wasn't a *bargain,*" she said. Her gray eyes looked calmly into his as she told him what she knew was not accurately the truth, and she was glad of the moment because it gave her the opportunity to declare false what had so long been true to her, and, just as she had feared, true to him. She felt restored, rehabilitated in her old self-esteem, and she relished his perplexity.

"It seems inconsistent," he said.

"Does it? How strange!" She said it coldly, and slowly she took her eyes from him. They were silent for a while.

"Then my fate is settled—irrevocably?" he asked at length.

"Yes, irrevocably."

"I wish," he complained, "that I understood."

"I wish you did," she replied.

"Can't you tell me?"

"Don't force me to."

"Very well," he said, drawing himself up. "I beg

your pardon." These words, however, meant that the apology should have been hers.

As they drove home, her mother said to her:

"What were you and John Eades talking about back there in that corner?"

"An old subject."

"Was he—" Mrs. Ward was burning with a curiosity she did not, however, like to put into words.

Elizabeth laughed.

"Yes," she said, "he *was*. But I settled him."

"I hope you were not—"

"Brutal?"

"Well, perhaps not that—you, of course, could not be that."

"Don't be too sure."

They discussed Eades as the carriage rolled along, but their points of view could never be the same.

"And yet, after all, dear," Mrs. Ward was saying, "we must be just. I don't see—"

"No," Elizabeth interrupted her mother. "You don't see. None of you can see. It wasn't because he wouldn't let Dick go. It was because that one act of his revealed his true nature, his real self; showed me that he isn't a man, but a machine; not a human being, but a prosecutor; he's an institution, and one can't marry an *institution*, you know," she concluded oddly.

"Elizabeth!" said Mrs. Ward. "That doesn't sound quite ladylike or nice!"

Elizabeth laughed lightly now, in the content that came with the new happiness that was glowing within her.

XXXIII

Curly Jackson was hurrying along Race Street, glad of his old friend, the darkness, that in February had begun to gather at five o'clock. He passed a factory, a tall, ugly building of brick, and in the light of the incandescent lamps he could see the faces of the machinists bent over the glistening machines. Curly looked at these workmen, thought of their toil, of the homes they would go to presently, of the wives that would be waiting, and the children—suddenly a whistle blew, the roar of machinery subsided, whirred, hummed and died away; a glad, spontaneous shout went up from the factory, and, in another minute, a regiment of men in overalls and caps, begrimed and greasy, burst into the street and went trooping off in the twilight. The scene moved Curly profoundly; he longed for some touch of this humanity, for the fellowship of these working-men, for some one to slap his back, and, in mere animal spirits and joy at release, sprint a race for half a block with him.

Curly felt that these workmen were like him, at least, in one respect, they were as glad to be released from the factory as he had been half an hour before to be released from the jail. He had left the jail, but he was not free. Inside the jail he had the sympathy and understanding of his fellows; here he had nothing but hatred and suspicion. Even these men trooping along beside him and, to his joy, brushing against him now

and then, would have scorned and avoided him had they known he was just released from prison. There was no work for him among them, and his only freedom lay still in the fields, the woods, and along the highways of gravel and of iron.

"Well," he thought, grinding his teeth bitterly, "they'll have to pay toll now!"

He found Gibbs in his back room, alone, and evidently in a gloomy mood. Gibbs stretched his hand across the table.

"Well, Curly, I'm glad to see some one in luck."

"You're right, Dan, my luck's good. I'm no hoodoo. To be in the way I was and have your pal topped, to make a clear lamas—that looks like good luck to me."

"Oh, well, they never had anything on you."

"They didn't have anything on Dutch neither—but in the frame-up I didn't know but they'd put a sinker on me, too. What made me sore was having that Flanagan rap against me—why, great God! a job like that—that some fink, some gay cat done after he'd got scared!" Jackson could not find the words to express his disgust, his sense of injury, the stain, as it were, on his professional reputation.

"It was that they put Dutch away on."

"Sure, I know that, Dan, and everybody knows that. It was just like a mob of hoosiers after you with pitchforks; like that time old Dillon and Mason and me gave 'em battle in the jungle in Illinois. Well, that's the way these people was. They was howlin' around that court-house and that pogey—God! to think of it! To think of a fellow's getting a lump like that handed to him—all for croakin' a copper!" Curly shook his

head a moment in his inability to understand this situation, and he held his hands out in appeal to Gibbs, and said in his high, shrill voice, emphasizing certain words:

"What in hell do you make of it, Dan?"

"What's the use wasting time over that?" Gibbs asked. "That's all over, ain't it? Then cut it out. Course,"—it seemed, however, that Gibbs had some final comment of his own to make—"you might say the kid ought to've had a medal for croaking a gendie. I wisht when he pushed his barker he'd wiped out a few more bulls. He was a good shot."

Gibbs said this with an air of closing the discussion, and of having paid his tribute to Archie.

"Well, Dan," Curly began, "you'll have to put me on the nut until I can get to work. I haven't even got pad money. I gave my bit to Jane; she says graft's on the fritz. She twisted a super, but it was an old canister—has she been in to-day?"

Gibbs shook his head gloomily.

"She didn't expect 'em to turn me out to-day." Curly mused in a moment's silence. "Ain't she the limit? One day she was goin' to bash that sister of poor Dutch, the next she's doubled with her, holdin' her up. She had me scared when she landed in; I was 'fraid she'd tip off the lay somehow—course"—he hastened to do her justice—"I knew she wouldn't throw me down, but the main bull— What's wrong, Dan?" Curly, seeing that Gibbs was not interested, stopped suddenly.

"Oh, everything's wrong. Dean's been here—now he's pinched!"

"No! What for?"

"You'd never guess."

"The big mitt?"

"No, short change! He came in drunk—he's been at it for a month; of course, if he hadn't, he wouldn't have done anything so foolish. Did you know a moll buzzer named McGlynn? Well, he got home the other day from doin' a stretch, and Ed gets sorry for him and promises to take him out. So they go down to the spill and turned a sucker—Ed flopped him for a ten!" Gibbs's tone expressed the greatest contempt. "He'll be doing a heel or a stick-up next, or go shark hunting. Think of Ed Dean's being in for a thing like that!"

"Is he down at the boob?"

"No, we sprung him on paper. He's all broke up—you heard about McDougall?"

"What about him?"

"Dead; didn't you know? Died in Baltimore—some one shot him in a saloon. He wouldn't tell who; he was game—died saying it was all right, that the guy wasn't to blame. And then," Gibbs went on, "that ain't all. Dempsey was settled."

"Yes, I read it in the paper."

"That was a kangaroo, too."

"I judged so; they settled him for the dip. How did it come off?"

"Oh, it was them farmers down at Bayport. Dempsey had a privilege at the fair last fall; he took a hieronymous—hanky-panky, chuck-a-luck."

"Yes, I know," said Curly impatiently, "the old army game."

"Well, he skinned the shellapers, and they squealed this year to get even. They had him pinched for the

dip. Why, old Dempsey couldn't even stall—he couldn't put his back up to go to the front!"

"Who did it?"

"Oh, a little Chicago gun. You don't know him."

"Well," said Curly, "you have had a run of bad luck."

"Do you know what does it?" Gibbs leaned over confidentially, a superstitious gleam in his eye. "It's that Koerner thing. There's a hoodoo over that family. That girl's been in here once or twice—with Jane. You tell Jane not to tow her round here any more. If I was you, I'd cut her loose—she'll queer you. You won't have any luck as long as you're filled in with her."

"I thought the old man had some damages coming to him for the loss of his gimp," said Curly.

"Well, he has; but it's in the courts. They'll job him, too, I suppose. He can't win against that hoodoo. The courts have been taking their time."

The courts, indeed, had been taking their time with Koerner's case. Months had gone by and still no hint of a decision. The truth was, the judges of the Supreme Court were divided. They had discussed the case many times and had had heated arguments over it, but they could not agree as to what had been the proximate cause of Koerner's injury, whether it was the unblocked frog in which he had caught his foot, or the ice on which he had slipped. If it was the unblocked frog, then it was the railroad company's fault; if it was the snow and ice, then it was what is known as the act of God. Dixon, McGee and Bundy, justices, all thought the unblocked frog was the proximate cause; they argued that if the frog had been blocked, Koerner could not have caught

his foot in it. They were supported in their opinion by Sharlow, of the *nisi prius* court, and by Gardner, Dawson and Kirkpatrick, of the Appellate Court; so that of all the judges who were to pass on Koerner's case, he had seven on his side. On the other hand, Funk, Hambaugh and Ficklin thought it was God's fault and not the railroad company's; they argued it was the ice causing him to slip that made Koerner fall and catch his foot.

It resulted, therefore, that with all the elaborate machinery of the law, one man, after all, was to decide this case, and that man was Buckmaster, the chief justice. Buckmaster had the printed transcript of the record and the printed briefs of counsel, but, like most of his colleagues, he disliked to read records and merely skimmed the briefs. Besides, Buckmaster could not fix his mind on anything just then, for, like Archie, he, too, was under sentence of death. His doctor, some time before this, had told him he had Bright's disease, and Buckmaster had now reached the stage where he had almost convinced himself that his doctor was wrong, and he felt that if he could take a trip south, he would come back well again. Buckmaster would have preferred to lay the blame of Koerner's accident on God rather than on the railroad company. He had thought more about the railroads and the laws they had made than he had about God and the laws He had made, for he had been a railroad attorney before he became a judge; indeed, the railroad companies had had his party nominate him for judge of the Supreme Court. Buckmaster knew how much the railroads lost in damages every year, and how the unscrupulous personal-injury lawyers mulcted them; and just now,

when he was needing this trip south, and the manager of the railroad had placed his own private car at his disposal, Buckmaster felt more than ever inclined toward the railroad's side of these cases. Therefore, after getting some ideas from Hambaugh, he announced to his colleagues that he had concluded, after careful consideration, that Funk and Hambaugh and Ficklin were right; and Hambaugh was designated to write the profound opinion in which the decision of the court below was reversed.

Marriott had the news of the reversal in a telegram from the clerk of the Supreme Court, and he sat a long time at his desk, gazing out over the hideous roofs and chimneys with their plumes of white steam. . . . Well, he must tell old Koerner. He never dreaded anything more in his life, yet it must be done. But he could wait until morning. Bad news would keep.

But Marriott was spared the pain of bearing the news of this final defeat to Koerner. It would seem that the law itself would forego none of its privileges as to this family with which it so long had sported. The news, in fact, was borne to Koerner by a deputy sheriff.

Packard, the lawyer for the Building and Loan Company which held the mortgage on Koerner's house, had been waiting, at Marriott's request, for the determination of Koerner's suit against the railroad company. That morning Packard had read of the reversal in the *Legal Bulletin*, a journal that spun out daily through its short and formal columns, the threads of misery and woe and sin that men tangle into that inextricable snarl called "jurisprudence." And Packard

immediately, that very morning, began his suit in foreclosure, and before noon the papers were served.

When Marriott knocked at the little door in Bolt Street, where he had stood so often and in so many varying moods of hope and despair,—though all of these moods, as he was perhaps in his egoism glad to feel, had owed their origin to the altruistic spirit,—he felt that surely he must be standing there now for the last time. He glanced at the front of the little home; it had been so neat when he first saw it; now it was weather-beaten and worn; the front door was scratched, the paint had cracked and come off in flakes.

The door was opened by the old man himself, and he almost frightened Marriott by the fierce expression of his haggard face. His shirt was open, revealing his red and wrinkled throat; his white hair stood up straight, his lean jaws were covered with a short, white beard, and his thick white eyebrows beetled fearfully. When he saw Marriott his lips trembled in anger, and his eyes flashed from their caverns.

"So!" he cried, not opening wide the door, not inviting Marriott in, "you gom', huh?"

"Yes, Mr. Koerner," said Marriott, "I came—to—"

"You lost, yah, I know dot! You lose all your cases, huh, pretty much, aindt it so?"

Marriott flamed hotly.

"No, it isn't so," he retorted, stepping back a little. "I have been unfortunate, I know, in your case, and in Archie's, but I did—"

"Ho!" scoffed Koerner in his tremendous voice. "Vell! Maybe you like to lose anudder case. *Hier!* I gif you von!"

With a sudden and elaborate flourish of the arm he stretched over his crutch, he delivered a document to Marriott, and Marriott saw that it was the summons in the foreclosure suit.

"I s'pose we lose dot case, too, aindt it?"

"Yes," said Marriott thoughtfully and sadly, tapping his hand with the paper, "we'll lose this. When did you get it?"

"Dis morning. A deputy sheriff, he brought 'im—"

"And he told you—"

"'Bout de oder von? Yah, dot's so."

They were silent a moment and Marriott, unconsciously, and with something of the habit of the family solicitor, put the summons into his pocket.

"Vell, I bet dere be no delays in dis case, huh?" Koerner asked.

Marriott wondered if it were possible to make this old man understand.

"You see, Mr. Koerner," he began, "the law—"

The old German reared before him in mighty rage, and he roared out from his tremendous throat:

"Oh, go to hell mit your Gott-tamned law!"

And he slammed the door in Marriott's face.

Koerner was right; there were no delays now, no questions of proximate cause, no more, indeed, than there had been in Archie's case. The law worked unerringly, remorselessly and swiftly; the *Legal Bulletin* marked the steps day by day, judgment by default—decree—order of sale. There came a day when the sheriff's deputies—there were two of them now, knowing old man Koerner—went to the little cottage in Bolt Street. Standing on the little stoop, one of them, hold-

ing a paper in his hand, rapped on the door. There was no answer, and he rapped again. Still no answer. He beat with his gloved knuckles; he kicked lightly with his boot; still no answer. The deputies went about the house trying to peep in at the windows. The blinds were down; they tried both doors, front and back; they were locked.

In a neighbor's yard a little girl looked on with the crude curiosity of a child. After the man had tried the house all about, and rightly imagining from all that was said of the Koerners in the neighborhood that the law was about to indulge in some new and sensational ribaldry with them, she called out in a shrill, important voice:

"They're in there, Mister!"

"Are you sure?"

"Oh, honest!" said the officious little girl, drawing her chin in affectedly. "Cross my heart, it's so."

Then the deputy put his shoulder to the door; presently it gave.

In the front room, on the plush lounge, lay the two children, Jakie and Katie, their throats cut from ear to ear. In the dining-room, where there had been a struggle, lay the body of Mrs. Koerner, her throat likewise cut from ear to ear. And from four huge nails driven closely together into the lintel of the kitchen door, hung the body of old man Koerner, with its one long leg just off the floor, and from his long yellow face hung the old man's tongue, as if it were his last impotent effort to express his scorn of the law, whose emissaries he expected to find him there.

XXXIV.

The series of dark events that had so curiously interwrought themselves into the life of Elizabeth Ward seemed, as far as the mind of mortals could determine, to find its close in the tragedy which the despairing Koerner contrived in his household. The effects of all these related circumstances on those who, however remotely, were concerned in them, could not, of course, be estimated; but the horror they produced in Elizabeth made the end of that winter a season of depression that left a permanent impress on her life and character. For weeks she was bewildered and afraid, but as the days went by those events began to assume in her retrospective vision their proper relations in a world that speedily forgot them in its contemplation of other events exactly like them, and she tried to pass them in review; the Koerners all were dead, save Gusta, and she was worse than dead; Kouka and Hunter were dead; Dick was still astray; Graves and all that horde of poor and criminal, whose faces for an instant had been turned up in appeal to her, had sunk into the black abyss again. What did it all mean?

She sought an answer to the questions, but could find none. No one could help her; few, indeed, could understand what it was she wished to know. Her father thought the market quotations important; her mother was absorbed in the way in which certain per-

sons dressed, or served their meals, or arranged their entertainments; as for the church, where once she might have gone for help, it was not interested in her question.

The philosophers and the poets that had been her favorites had now for her new meanings, it is true, but they had been writing of the poor and the imprisoned for ages, and yet that very morning in that very city, not far away, there were countless poor and criminal, and as fast as these died or disappeared or were put to prison or to death, others appeared to take their places; the courts ground on, the prisons were promptly filled, the scenes she had witnessed in the slums and at the prisons were daily reënacted with ever-increasing numbers to take the places of those who went down in the process. And men continued to talk learnedly and solemnly of law and justice.

She thought of Marriott's efforts to save Archie; she thought of her own efforts; the Organized Charities squabbling as to whether it would open its meetings with prayer or not, whether it would hold an entertainment in a theater or some other building; she remembered the tedious statistics and the talk about the industrious and the idle, the frugal and the wasteful, the worthy and the unworthy. When, she wondered, had the young curate ever worked? who had declared him worthy? When, indeed, had she herself ever worked? who had declared her worthy?

But this was not all: there were other distinctions; besides the rich and the poor, the worthy and the unworthy, there were the "good" and the "bad." She indeed, herself, had once thought that mankind was thus divided, one class being rich, worthy and good,

and the other class poor, unworthy and bad. But now, while she could distinguish between the rich and poor, she could no longer draw a line between the good and the bad, or the worthy and the unworthy, though it did not seem difficult to some people,—Eades, for instance, who, with his little stated formula of life, thought he could make the world good by locking up all the bad people in one place. Surely, she thought, Eades could not do this; he could lock up only the poor people. And a new question troubled Elizabeth: was the one crime, then, in being poor? But gradually these questions resolved themselves into one question that included all the others. "What," she asked herself, "does life mean to me? What attitude am I to adopt toward it? In a word, what am I, a girl, having all my life been carefully sheltered from these things and having led an idle existence, with none but purely artificial duties to perform—what am I to do?"

The first thing, she told herself, was to look at the world in a new light: a light that would reveal, distinctly, all the poor, all the criminal in the great, haggard, cruel city, not as beings of another nature, of another kind or of another class, different from herself, and from whom she must separate herself, but as human beings, no matter how wretched or miserable, exactly like herself, bound to her by ties that nothing could break. They might, indeed, be denied everything else, but they could not be denied this kinship; they claimed it by right of a common humanity and a common divinity. And, beginning to look on them in this new light, she found she was looking on them in a new pity, a new sympathy, yes, a new love. And suddenly she found the peace and the happiness of a new life,

like that which came with the great awakening of the spring.

For spring had come again. All that morning a warm rain had fallen and the green sward eagerly soaked it up. The young leaves of the trees were glistening wet, the raindrops clung in little rows, like strings of jewels, to the slender, shining twigs; they danced on the swimming pavement, and in the gutters there poured along a yellow stream with great white bubbles floating gaily on its surface. The day was still; now and then she could hear the hoof-beats of the horses that trotted nervously over the slippery asphalt. It rained softly, patiently, as if it had always rained, as if it always would rain; the day was gray, but in the yard a robin chirped.

Yes, thought Elizabeth, as she faced life in her new attitude, the Koerners' tragedies are not the only ones. For all about her she saw people who, though they moved and ate and talked and bustled to and fro, were yet dead; the very souls within them were atrophied and dead; that is, dead to all that is real and vital in existence. They who could so complacently deny life to others were at the same time denying life to themselves. The tragedy had not been Koerner's alone; it had been Ford's as well; Eades could not punish Archie without punishing himself; Modderwell, in excluding Gusta, must exclude himself; and Dick might cause others to suffer, but he must suffer more. He paid the penalty just as all those in her narrow little world paid the penalty and kept on paying the penalty until they were bankrupts in soul and spirit. The things they considered important and counted on to give them happiness, gave them no happiness; they

were the most unhappy of all, and far more desperate because they did not realize why they were unhappy. The poor were not more poor, more unhappy, more hungry, or more squalid. There was no hunger so gnawing as that infinite hunger of the soul, no poverty so squalid as the poverty of mere possession. And there were crimes that printed statutes did not define, and laws that were not accidents, but harmoniously acting and reacting in the moral world, revisited this cruelty, this savagery, this brutality with increasing force upon those who had inflicted it on others. And as she thought of all the evil deeds of that host of mankind known as criminals, and of that other host that punished them, she saw that both crime and punishment emanated from the same ignorant spirit of cruelty and fear. Would they ever learn of the great equity and tolerance, the simple love in nature? They had but to look at the falling rain, or at the sun when it shone again, to read the simple and sufficient lesson. No, she would not disown these people, any of them. She must live among them, she must feast or starve, laugh or cry, despair or triumph with them; she must bear their burdens or lay her own upon them, and so be brought close to them in the great bond of human sympathy and love, for only by love, she saw, shall the world be redeemed.

Meanwhile, everything went on as before. The peculiar spiritual experience through which Elizabeth was passing she kept largely to herself: she could not discuss it with any one; somehow, she would have found it impossible, because she realized that all those about her, except perhaps Marriott, would consider it all ridiculous and look at her in a queer, disconcerting

way. She saw few persons outside of her own family; people spoke of her as having settled down, and began to forget her. But she saw much of Marriott; their old friendly relations, resumed at the time the trouble of Gusta and Archie and Dick had brought them together, had grown more intimate. Of Eades she saw nothing at all, and perhaps because both she and Marriott were conscious of a certain restraint with respect to him, his name was never mentioned between them. But at last an event occurred that broke even this restraint: it was announced that Eades was to be married. He was to marry an eastern girl who had visited in the city the winter before and now had come back again. She had been the object of much social attention, partly because she was considered beautiful, but more, perhaps, because she was in her own right very wealthy. She had, in truth, a pretty, though vain and selfish little face; she dressed exquisitely, and she had magnificent auburn, that is, red hair. People were divided as to what color it really was, though all spoke of it as "artistic." And now it was announced that she had been won by John Eades; the wedding was to occur in the autumn. The news had interested Marriott, of course, and he could not keep from imparting it to Elizabeth; indeed, he could not avoid a certain tone of triumph when he told her. He had seen Eades that very morning in the court-house; he seemed to Marriott to have grown heavier, which may have been the effect of a new coat he wore, or of the prosperousness and success that were surely coming to him. He was one of those men whom the whole community would admire; he would always do

the thing appropriate to the occasion; it would, somehow, be considered in bad form to criticize him.

The newspapers had the habit of praising him; he was popular—precisely that, for while he had few friends and no intimates, everybody in the city approved him. He was just then being mentioned for Congress, and even for the governorship.

Yes, thought Marriott, Eades is a man plainly marked for success; everything will come his way. Eades had stopped long enough—and just long enough—to take Marriott's hand, to smile, to ask him the proper questions, to tell him he was looking well, that he must drop in and see him, and then he had hastened away. Marriott had felt a new quality in Eades's manner, but he could not isolate or specify it. Was Eades changing? He was changing physically, to be sure, he was growing stouter, but he was at the age for that; the youthful lines were being erased from his figure, just as the lines of maturity were being drawn in his face. Marriott thought it over, a question in his mind. Was success spoiling Eades?

But when Marriott told Elizabeth the news, she did not appear to be surprised; she did not even appear to be interested. The summer had come early that year; within a week it had burst upon them suddenly. The night was so warm that they had gone out on the veranda. Marriott watched Elizabeth narrowly, there in the soft darkness, to note the effect. But apparently there was no effect. She sat quite still and said nothing. The noise of the city had died away into a harmony, and the air throbbed with the shrill, tiny sounds of hidden infinitesimal life. There came to them the

fragrance of the lilacs, just blooming in the big yard of the Wards, and the fragrance of the lilacs brought to them memories. To Marriott, the fragrance brought memories of that night at Hazel Ford's wedding; he thought of it a long time, wondering. After a while they left the veranda and strolled into the yard under the trees.

"Do you know," said Marriott, "I thought you would be surprised to hear of John Eades's engagement."

"Why?" she asked.

"Well, I don't know; no one had noticed that he was paying her any attention—" Suddenly he became embarrassed. He was still thinking of the evening at Hazel Ford's wedding, and he was wondering if Elizabeth were thinking of it, too, and this confused him.

"Oh," Elizabeth said, as if she had not noticed his hesitation, "I'm very glad—it's an appropriate match."

Then she was silent; she seemed to be thinking; and Marriott wondered what significance there was in the remark she had just made; did it have a tribute for Eades, or for the girl, or exactly the reverse?

"I was thinking," she began, as if in answer to his thought, and then suddenly she stopped and gave a little laugh. "Gordon," she went on, "can't you see them? Can't you see just what a life they will live—how correct, and proper, and successful—and empty, and hollow, and deadly it will be—going on year after year, year after year? Can't you see them with their conception of life, or rather, their lack of conception of it?" She had begun her sentence with a laugh, but she ended it in deep seriousness. And for some reason they stopped where they were; and suddenly, they knew

that, at last, the moment had come. Just why they knew this they could not have told, either of them, but they knew that the moment had come, the moment toward which they had been moving for a long time. They felt it, that was all. And neither was surprised. Words, indeed, were unnecessary. They had been talking, for the first time in months, of Eades, yet neither was thinking at all of the life Eades and his fashionable wife would lead, nor caring in the least about it. Marriott knew that in another instant he would tell Elizabeth what long had been in his heart, what he should have told her months ago, what he had come there that very night to tell her; he knew that everything he had said that night had been intended, in some way, to lead up to it; he was certain of it, and he thought quite calmly, and yet when he spoke and heard his own voice, its tone, though low, showed his excitement; and he heard himself saying:

"I am thinking—do you know of what? Well, of that night—"

And then, suddenly, he took her hands and poured out the unnecessary words.

"Elizabeth, do you know—I've always felt—well, that little incident that night at Hazel Ford's wedding; do you remember? I was so stupid, so bungling, so inept. I thought that Eades—that there was—something; I thought so for a long time. I wish I could explain—it was only because—I loved you!"

He could see her eyes glow in the darkness; he heard her catch her breath, and then he took her in his arms.

"Oh, Elizabeth, dearest, how I loved you! I had loved you for a long, long time, but that night for the first

time I fully realized, and I thought then, in that moment, that I was too late, that there never had been—"

He drew her close to him, and bent his head and kissed her lips, her eyes, her hair.

"Oh, Gordon!" she whispered, lifting her face from his shoulder. "How very blind you were that night!"

Long after Marriott had gone, Elizabeth sat by her window and looked out into the night; above the trees the stars glowed in a purple sky. She was too happy for sleep, too happy for words. She sat there and dreamed of this love that had come to her, and tears filled her eyes. Because of this love, this love of Gordon Marriott, this love of all things, she need ask no more questions for a while. Love, that was the great law of life, would one day, in the end, explain and make all things clear. Not to her, necessarily, but to some one, to humanity, when, perhaps, through long ages of joy and sorrow, of conflict and sin, and in hope and faith, it had purified and perfected itself. And now by this love and by the new light within her, at last she was to live, to enter into life—life like that which had awakened in the world this brooding tropical night, with its soft glowing stars, its moist air, laden with the odor of lilacs and of the first blossoms of the fruit trees, and with the smell of the warm, rich, fecund earth.

THE END

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